

## CORRECTIONS

- On page 892 heading, "Rules on Third Reading," should be "Bills on Third Reading."
- On page 1060 bill listed as "3.337" should be "S. 337."
- On page 1141 heading, "Bills on Third Reading Resumed," left out immediately preceding H. 242.
- On page 1251 bill listed as S. 730 should be H. 730.
- On page 1270 bill listed as H. 137 should be H. 173.
- On page 1282 bill by Mr. Hankins, number omitted should be H. 788.
- On page 1302 "R. T. Goodwyn, Jr., Clerk" left out immediately preceding "Bills on Third Reading."
- On page 1303 "Bills on Third Reading Resumed" left out immediately preceding S. 355.
- On page 1439 H. 594 duplicated.
- On page 1466 second bill by Mr. McIlwain number left off; should be H. 197.
- On page 1503 second bill numbered H. 523 should be H. 411.
- On page 1518 in heading, "Notice to Remove Bill from Advance Calendar," word "Advance" should be "Adverse."
- On page 1533 in heading, "Message from the Senate," word Senate should be House.
- On page 1590 "June 2, 1943," should be July 2, 1943.
- On page 1593 bill numbered H. 172 should be stricken out, as it is the same as H. 712 on same page.



**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF ALABAMA**

**REGULAR SESSION OF**  
**1943**

**Held in the City of Montgomery, commencing**  
**Tuesday, May 4, 1943**



**VOL. II**

**With an index prepared by the**  
**Secretary of the Senate**

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1943





**JOURNAL**  
**OF**  
**THE SENATE**  
**OF THE**  
**STATE OF ALABAMA**

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**VOLUME II**

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**FORTY-THIRD DAY**

(The Senate was not in session on the Fortieth, Forty-first and Forty-second days)

Tuesday, June 15, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

**PRAYER**

The session was opened with Prayer, by Rev. M. A. West, of Frazier Memorial Methodist Church, of Montgomery.

**ROLL CALL**

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. McCary, indefinite leave of absence was granted Mr. Brown.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 252. To fix the salary of the Deputy Solicitor for Lee County, Alabama, and provide for the manner of payment of the same.

Also:

H. 335. To apply only in the circuit court in counties having a population of 300,000 or more according to the last or any subsequent Federal census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial, unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Also:

H. 337. To provide that in the event a judge of the circuit court of Jefferson County, Alabama (Tenth Judicial Circuit)) so requires, a bailiff or bailiffs heretofore or hereafter appointed by him may be required to perform clerical, stenographic and secretarial work in addition to other work.

Also:

H. 436. To regulate the Fine and Forfeiture Fund of Choctaw County, Alabama.

Also:

H. 441. To provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Also:

H. 450. To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

Also:

H. 483. To require the County Board of Education of Washington County to pay out of the school funds of said County all expenses of the office of the County Superintendent of Education and all expenses of taking the school census; and to relieve the court of county commissioners of said county from payment of such expenses.

Also:

H. 484. To provide for the election of commissioners of the Court of County Commissioners in and for Washington County.

Also:

H. 552. To further define and extend the powers, authority and duties of the Circuit Solicitor of the Tenth Judicial Circuit; to require the Circuit Solicitor of the Tenth Judicial Circuit to supervise the prosecution of all misdemeanors to be tried, and all felonies to be heard on preliminary trial in the Jefferson County Court of Misdemeanors; and to authorize the Circuit Solicitor to appoint a Deputy Circuit Solicitor who shall prosecute in the Jefferson County Court of Misdemeanors; and to fix his salary and provide for payment thereof; and to repeal all laws or parts of laws, local or general, in conflict with this Act.

Also:

H. 585. To alter and enlarge the corporate limits of the City of Sylacauga, Talladega County, Alabama, and to define the boundaries thereof.

Also:

H. 589. To fix the compensation, salary and allowances to be paid to the Sheriff of Montgomery County, and to regulate the office of said Sheriff, and to impose additional duties upon said Sheriff, and to provide for Deputies and other assistants to said Sheriff, and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional Deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums on the bonds of the Sheriff and Deputies, and to authorize and empower and require the Board of Revenue of Montgomery County, or other court of like jurisdiction, to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to the said Sheriff of Montgomery County, and to provide for the payment of same.

Also:

H. 590. For the relief of Mrs. Elsie M. Brinson by the payment of her compensation for expense incurred for a gun shot wound suffered by her deceased husband, Marvin Brinson, while he was in the line of and performing his duty as Deputy Sheriff for the County of Montgomery, State of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following

bill with the original bill, and finds same correctly engrossed, to-wit:

S. 179. To amend Section 480 of Title 52 of the Code of Alabama of 1940.

Orlan B. Hill,  
Chairman.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hill:

S. 370.. To require fire insurance companies doing business in Alabama and issuing policies against loss by fire or otherwise to refund to the policy holder or holders the premiums paid on the amount which constitutes the difference between the amount stated on the policies upon which the premiums were paid and the amount paid thereunder, with interest thereon from the time of payment of such premiums; to require the premiums to be apportioned when several policies are issued upon the same property by different companies; to provide the manner in which the amount required to be refunded under this Act may be recovered by policy holders, and to render void any provision in any policy in conflict with the provisions of this Act.

Committee on Insurance.

By Mr. McCary:

S. 371. So create the Elementary Teachers' Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such Fund to the State Teachers Colleges subject to the rules and regulations of the State Board of Education.

Committee on Finance and Taxation.

By Mr. McCary:

S. 372. To Amend Section 85, Title 22, Code of 1940 of Alabama.

Committee on Judiciary.

By Mr. Walton:

S. 373. To propose an amendment to Section 177 of the Constitution of the State of Alabama.

Committee on Constitution and Constitutional Revision and  
Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Garrett:

S. 374. To amend Sections 3 and 5 of an act entitled "An act to create the office of County Solicitor for Baldwin County, Alabama, to provide for the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that there will be presented, for passage, in the present session of the Alabama Legislature, Local Bill, in words and figures, substantially, as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 3 and 5 of an act entitled an act to create the office of Solicitor for Baldwin County, Alabama, to provide the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same, approved March 5th, 1931.

Be It Enacted By The Legislature Of Alabama:

Section 1: That Section 3 and 5 of an act entitled an act to create the office of County Solicitor for Baldwin County, Alabama, to provide for the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same, approved March 5th, 1931, be amended so as to read as follows:

"Section 3: That it shall be the duty of said County Solicitor to prosecute for the State in the County Court of Baldwin County, or any court created in lieu thereof; to represent the state in all preliminary trials, in all the Courts of Baldwin County, and to represent the State in all habeas corpus proceedings where said cases are tried at the County seat; to assist and advise with the Circuit Clerk in preparing the grand jury docket of said County; to assist the Circuit Solicitor before each session of the grand jury of said County; to act for the Circuit Solicitor before any such session of the grand jury of said County when necessary or when directed by the Circuit Solicitor; to attend and assist in the prosecutions of all criminal cases in the Circuit Court, and to preform such other duties as are now required of the Deputy Solicitor of said County; and in addition thereto he shall, whenever requested so to do by the sheriff of Baldwin County, attend on behalf of the State all prosecutions in any Justice of the Peace Court held at the County seat or in any court created in lieu thereof held at the County seat; and he shall also,

whenever requested so to do by the sheriff, assist the sheriff in investigations of crimes committed in Baldwin County, Alabama.

"Section 5: That said County Solicitor in all cases in the County Court, or any Court created in lieu thereof, shall receive the same fees that the Circuit Solicitor is entitled by law to receive for prosecutions and convictions in the Circuit Court, said fees to be charged in the bill of cost is now provided by law, and collected by the Clerk or Ex-Officio Clerk of the County Court, or any Court created in lieu thereof; said Clerk shall deposit said fees when collected in a special fund to be known as the County Solicitor's Fund. The County Solicitor's Fund shall consist of monies paid into it under this act or any other law authorizing the payment of monies therein. Out of which fund said County Solicitor shall be paid his salary as hereinafter provided. From and after the approval of this act, the County Solicitor shall receive for the performance of his duties as herein required a salary in the sum of Twenty-four hundred (\$2,400.00) dollars per annum, payable monthly on the first day of each month after the approval of this act or after he takes office, provided the fees earned by each County Solicitor, and deposited as herein provided, for prosecutions in the County Court, or any Court created in lieu thereof, or in any court in which fees are allowed from prosecution on behalf of the State, amount to said sum, and if said fees so earned and collected should not amount to said sum, in any calendar year, then, in that event, the County Solicitor shall be entitled only to so much of said salary as may be earned and collected as provided herein. Provided, however, that any surplus in said County Solicitor's Fund, after the payment of the salary of said official as provided in this Act, at the expiration of any calendar year, shall be applied to any deficiency in salary of any previous calendar year, but **only for the term for which said official was elected; that said salary, or any deficiency in salary of any previous year, shall be paid by warrant or check drawn on such funds in the same manner as warrants or checks are drawn on the County General Funds of Baldwin County and shall be signed by the person or persons authorized to sign warrants or checks against the general Fund.** If there is not sufficient monies therefor such warrant or checks shall be drawn only for such monies as shall be in such Fund. But whenever there shall be sufficient monies in such Fund to pay any deficit to such Solicitor then the same shall be paid out of such Fund upon demand; but no deficit in the salary to which such Solicitor shall be entitled under this act shall be paid out of Funds earned and collected subsequent to his term of office. Should however, he not have been paid in full upon the termination of his office, then, such deficit shall be paid out of and to the extent of the fees earned during but collected after his term of office.

"All the fees earned by each Solicitor when collected shall be deposited in a separate Solicitor's fund for each County Solicitor. Fees taxed in each case tried during a Solicitor's term of office shall be deemed earned by him and shall be deposited when collected in his fund for the payment of his salary and when such salary at the rate of Two Hundred (\$200.00) for each month of his service shall have been paid, the surplus of the fund and the remainder of the fees earned by him shall be covered into the Fine and Forfeiture Fund."

Section 2: This act shall take effect upon its passage and approval by the Governor. 15-3tc

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

Evelyn I. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of a local bill to be entitled an Act.

## COST STATEMENT

1058 WORDS @ 4½ cents . . . \$47.61.

I hereby certify this is correct, due and (paid).

EVELYN I. FAULKNER,  
Publisher.

Was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 13, 1943, Vol. 54, No. 15.

Date of 2nd publicaion May 20, 1943, Vol. 54, No. 16.

Date of 3rd publication May 27, 1943, Vol. 54, No. 17.

Date of 4th publication June 3, 1943, Vol. 54, No. 18.

Subscribed and sworn before the undersigned this 9 day of June, 1943.

HERBUT D. WATSON,  
Notary Public, Baldwin County.  
EVELYN I. FAULKNER,  
Publisher.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sullivan:

H. 540. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of not less than 140,000, not more than 300,000, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Also:

By Mr. Thomas:

H. 689. To authorize the Board of Revenue of Montgomery County to accept the deposit by any incorporated or national bank doing business in the City of Montgomery, acting as depository of the funds and revenue of the county, of bonds of the United States of America, of the State of Alabama, or of any county or municipality of the State, in lieu of any bond or bonds now required by law for the safe keeping of such funds or revenue.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:



A BILL  
TO BE ENTITLED  
AN ACT

To authorize the Board of Revenue of Montgomery County to accept the deposit by any incorporated or national bank doing business in the City of Montgomery, acting as depository of the funds and revenue of the county, of bonds of the United States of America, of the State of Alabama, or of any county or municipality of the State, in lieu of any bond or bonds now required by law for the safe keeping of such funds or revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That wherever the Board of Revenue of Montgomery County is now by law required to exact a bond or bonds of any incorporated or national bank of the City of Montgomery for the safe keeping of the funds or revenues of the county, deposited in such bank, such Board of Revenue, in lieu of any such bond, may, in its discretion, by resolution duly adopted and spread upon its minutes, accept the deposit by such bank of bonds of the United States of America or of the State of Alabama, or of any county or municipality of the State satisfactory to said Board, equivalent in amount to the amount of the bond or bonds required by law of such bank. Such bonds so deposited to stand as security for the funds or revenues of the County deposited in such bank, the same in all respects as the bond or bonds now required by law to be executed to the county by any such bank or banking institution.

Section 2. That all laws and parts of laws in conflict herewith be and the same hereby are repealed.  
May 13-20-27, June 3, 1943.

STATE OF ALABAMA,  
MONTGOMERY COUNTY.

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 13, 20, 27 and June 3, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 4th day of June, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

Also:

By Mr. Wood:

H. 497. To amend Section 3 of an act, approved March 29, 1933, entitled An Act, "To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the

qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education, and his successors, shall commence their term of office."

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 3 of an act approved March 29th, 1933, entitled An Act "To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such salary; and to provide for the election of a successor to such Superintendent of Education; and to provide for some of the official duties to be performed by such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education, and his successors, shall commence their term of office."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3 of an act, approved March 29, 1933, entitled An Act, "To provide for the election of a County Superintendent of Education for Bibb County, Alabama, by the qualified voters of said County; and to provide for the term of office of said Superintendent of Education; and to provide when such Superintendent shall be elected, the method of his election, and the amount the said Superintendent is to be paid as a salary and the method of payment of such Superintendent of Education; and to provide for the qualifications of such Superintendent of Education; and to provide when such elected Superintendent of Education and his successors, shall commence their term of office," be and is hereby amended so as to read as follows: Section 3. That the salary of such Superintendent of Education of Bibb County, Alabama, shall not be less than Twelve Hundred Dollars per year nor more than Two Thousand Dollars per year until the first Monday after the second Tuesday in January, 1947, and that thereafter the salary of such Superintendent of Education of Bibb County, Alabama, shall not be less than Two Thousand Dollars per year nor more than Four Thousand Dollars per year, and shall be set and fixed within said limits by action of the Board of Education of Bibb County, Alabama, and the said salary, so set and fixed, to be paid out of the County School Funds of Bibb

County, Alabama, on warrants drawn by the Custodian of the County School Funds of Bibb County, Alabama, in monthly installments. All laws and parts of laws in conflict herewith are hereby expressly repealed. This Act shall become effective upon its approval by the Governor of Alabama.

STATE OF ALABAMA,  
BIBB COUNTY.

Before me, W. L. Pratt, Judge of Probate, in and for said State and County aforesaid, personally appeared J. W. Oakley, Publisher of the Centreville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Centreville Press for 4 consecutive weeks, as follows: April 29-May 6-13-20, 1943.

That The Centreville Press is a weekly newspaper of general circulation in Bibb County, Alabama; That it is entered in the Postoffice at Centreville, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

J. W. OAKLEY, Publisher.

Sworn to and subscribed before me, this 24th day of May, 1943.  
(SEAL).

W. L. PRATT.

Judge of Probate.

Also:

By Mr. Henderson:

H. 672. To amend an Act to be Entitled an Act "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision: and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939," by amending section "3" "6" 7" and 10" of said Act and by repealing section 11 of said Act.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 session of the Alabama Legislature the following local Bill applicable to Cherokee County, Alabama:

NOTICE OF INTRODUCTION OF  
LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced, and application will be made for the passage of, a local bill, in substance as follows:

A Bill to Be Entitled An Act

To amend an Act to be Entitled an Act "To further provide for the control, making, maintenance, building and improvements of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowance for his expenses and manner of payment, to fix his bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939," by amending section "3" "6" 7 and 10' of said Act and by repealing section 11 of said Act.

Section 1. Be it Enacted by the Legislature of Alabama, that Section "3" of an Act Entitled an Act: "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama. To create the office of Road Supervisor for said County, to provide for his election or appointment, discharge and removal. To fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowances and payment of claims against the County, approved by such Purchasing Agent. To fix his compensations and manner of payment to make appropriations of allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the County. To provide when this Act shall take effect; to provide that any Section or Provision of this Act being held invalid shall not affect the validity of any other Section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, insofar as they apply to Cherokee County, Alabama." Approved August 24, 1939, Be and the Same is hereby amended so as to read as follows: "Section "3". That the person so appointed as Road Supervisor of Cherokee County, Alabama shall be a Civil Engineer with at least three years experience in constructing, building and maintaining of roads, bridges and ferries and during his term of office

shall devote his entire time to the duties thereof; and shall during his term of office reside in Cherokee County, Alabama, that before entering upon the discharge of the duties of such office, the Road Supervisor shall furnish good and sufficient Bond, executed by some Surety Company authorized to do business in Alabama, in the penal sum of Five Thousand Dollars (\$5000.00) payable to Cherokee County, Alabama, to be approved by the Judge of Probate of Cherokee County, Alabama, and conditioned upon the faithful performances of his duties as required by law and the premium on said Bond to be paid by Cherokee County, Alabama."

Section 2. Be it further Enacted that Section 6 of said Act be and the same is hereby amended so as to read as follows: Section 6. That no funds of Cherokee County, Alabama, shall be expended or any liability created against said County on account of the construction, maintenance or repairs of the public roads, bridges and ferries of Cherokee County, Alabama, for supervision, labor, supplies, machinery or equipment in any other manner than is provided by the terms of this Act.

Section 3. Be it further Enacted that Section 7 of said Act be and the same is hereby amended so as to read as follows: Section 7. That the authority of said Road Supervisor shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of the public roads, bridges and ferries of Cherokee County, as may be set aside and appropriated by the Board of Revenue of Cherokee County as hereafter provided; it shall be the duty of the Board of Revenue or like governing body of Cherokee County at some meeting in September of each calendar year or not later than the first meeting in October following, shall by order or resolution spread upon the minutes of said Court, fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing the public roads, bridges and ferries of Cherokee County for the current fiscal year beginning on October first and which amount other than the salary of the said Road Supervisor and his necessary expenses shall not be exceeded by him in constructing, maintaining and repairing the public roads, bridges and ferries in Cherokee County during said period, provided however that said Board of Revenue or like governing body is authorized from time to time within any such period to increase the amount so allowed to be expended by said Road Supervisor during any such period when such authorization will not conflict with the general law as provided under the Budget Act, Title 12, Section 74—1940 Code of Alabama.

Section 4. Be it further Enacted that Section 10 of said Act Be and the same is hereby amended so as to read as follows: Section "10" That the duty and authority as to the building, maintaining or repairing of the public roads, bridges and ferries in Cherokee County, Alabama, be and the same is hereby vested in said Road Supervisor as herein set forth; and to the end that said Road Supervisor is given the duty, power and authority to employ or hire teams, machines, trucks and necessary equipment, and all necessary employees, including rodmen, axemen and chainmen necessary for surveying roads and rights of way, all ferrymen, Road Foremen, and all other necessary employees, laborers or helpers to properly construct, maintain and repair the roads, bridges and ferries; and the Road Supervisor shall have the authority and power to prescribe their duties; fix their compensations and to discharge any of said employees, with or without cause; that said Road Supervisor shall not employ as an employee, laborer or helper under authority in this Act, any person related either to him or any official of Cherokee County, Alabama by blood or marriage within the second degree.

All materials, machinery, equipment and necessary supplies needed for the construction, maintenance or repair of the public roads, bridges and ferries of Cherokee County, Alabama, shall be purchased by the President of the Board of Revenue, under authority vested in him as Purchasing Agency for Cherokee County only after written requisition therefor by the Road Supervisor, which requisition shall be in writing and stating the amount, quality and nature thereof, one copy of such requisition to be submitted to the Solicitor of Cherokee County, one copy to the Judge of Probate, the original to be kept by the President of the Board of Revenue, each of said copies of such requisition shall be kept in the office of above referred to County officials, open to and for inspection by the public at all times. That upon the filing and approval of each of such requisitions it shall be the duty of said President of the Board of Revenue within the limits provided by this Act and the authority vested in the President of the Board of Revenue as the Purchasing Agency for Cherokee County, to make purchase of such materials, machinery, equipment and necessary supplies and the same shall be paid for by the Board of Revenue out of any funds available for that purpose, other than the General Funds of said County; but only upon proper claims filed and approved by said Purchasing Agent. It shall be the duty of said Road Supervisor to inspect all materials, machinery, equipment and supplies purchased by Cherokee County, Alabama for the use on public roads, bridges and ferries when the same is delivered in Cherokee County, and shall not be accepted and paid for without first having been approved by him.

Section 5. Be it further Enacted: That Section 11 of said Act be and the same is hereby repealed.

Section 6. That all laws and parts of laws in conflict herewith, are hereby expressly repealed.

Section 7. That if any paragraph, part or parts of this Act shall be declared unconstitutional, it shall not effect any other part or parts hereof.

Section 8. That this Act shall take effect and be in force upon its approval by the Governor or its otherwise becoming law.

STATE OF ALABAMA,  
CHEROKEE COUNTY.

Before me, Thos. W. Bradford, Register Circuit Court, in and for said State and County, this day personally appeared John B. Shropshire who being by me first duly sworn, deposes and says that he is the Editor and Publisher of The Coosa River News, a newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 14th, May 21st, May 28th and June 4, 1943, without cost to the State of Alabama.

JOHN B. SHROPSHIRE,  
Editor and Publisher.

Sworn to and subscribed before me, this the 5 day of June, 1943.  
(SEAL)

THOS. W. BRADFORD,  
Registrar Circuit Court.

Also:

By Mr. Henderson:

H. 671. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books,

stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and terms office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill applicable to Cherokee County.

A Bill To Be Entitled  
AN ACT

To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said County whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges, ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby created a Purchasing Agency for Cherokee County, Alabama, consisting of the President of the Board of Revenue for said county.

Section 2. The duties of said Purchasing Agency shall be to purchase for the county officials, the county offices and every department of the county, all books, stationery, blanks, office equipment and office supplies, printing and printed matter, blanks, forms, machinery of all and every kind, including tractors and trucks, all tools and material and supplies for the construction and maintenance of the roads, bridges and ferries, all material and supplies for the Court House, Jails, Alms House, Sanitariums and Hospitals of Cherokee County, and that it shall be the duty of said Purchasing Agency to purchase the same at the best prices obtainable, receiving competitive bids therefor, unless otherwise provided in this Act.

Section 3. That such books, stationery, blanks, blank forms, printing, printed matters, supplies, office equipment, including road equipment, machinery, materials and supplies, trucks, tractors and all tools shall be furnished only upon written requisition setting forth the articles needed and signed by the officer for whose office or department said articles are requested, and thereupon said purchasing agent shall make inquiry and ascertain whether the articles are necessary before purchasing the same and all invoices of such purchases, with said requisition attached shall be kept on file in the office of the President of the Board of Revenue of said County in alpha-

betical order as a permanent record subject to inspection by the public at all reasonable times; all purchases for the County in excess of One Hundred Dollars shall be by competitive bids as now provided by law and the President of the Board of Revenue shall keep or cause to be kept on file in the office of the President of the Board of Revenue all bids made in competitive bidding upon any material, equipment or supplies. That in case of emergency the President of the Board of Revenue may make purchases of materials equipment and supplies in amounts not in excess of \$100.00 and submit the same to the Board of Revenue for its approval at its next regular meeting, and upon approval thereof, shall be a legal and binding obligation of the county.

Section 4. That any purchase of machinery, material, equipment or supplies made under the authority herein for emergency purchases by the President of the Board of Revenue if, or when, broken up into lots, shipments, purchases or bills or amounts of less than One Hundred dollars so as to be made under the authority given herein to make emergency purchases, shall not be a legal and binding purchase, nor a legal and binding obligation upon Cherokee County, Alabama, and payment thereon shall not be authorized nor allowed by the Board of Revenue. It being the intent of this Act to require all purchases of quantities or amounts of machinery, material and supplies of value in excess of One Hundred Dollars (\$100.00) to be made upon requisition and competitive bids.

Section 5. That the term of office of the President of the Board of Revenue, as a member of said Purchasing Agency, shall be the same as his term of office as president of the Board of Revenue, of said County.

Section 6. That the President of the Board of Revenue is authorized, directed and empowered to employ such clerical help and assistance as may be deemed necessary to the proper efficient and economical operation of the office of President of the Board of Revenue and Purchasing agency, same to be approved by the Board of Revenue.

Section 7. The Board of Revenue of said County shall require the officers of the various departments of said county so obtaining such articles, to be responsible for the same and to deliver the unused portion thereof to their successors in office.

Section 8. That all laws or parts of laws in conflict with the provisions of this Act in so far as they relate to Cherokee County, Alabama, be and the same are hereby expressly repealed.

Section 9. That if any paragraph, clause or part of this Act shall be declared to be unconstitutional, it shall not affect any other part or parts hereof.

Section 10. This Act shall take effect and be in force upon its passage and approval by the Governor or its otherwise becoming law.

9-4t

#### STATE OF ALABAMA, CHEROKEE COUNTY.

Before me, Thos. W. Bradford, Register Circuit Court, in and for said State and County, this day personally appeared Joe M. Shaw who being by me first duly sworn, deposes and says that he is the editor and Publisher of Cherokee County Herald, a newspaper of general circulation in Cherokee County, Alabama; that the above and foregoing notice was published once



a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th, May 19th, May 26th and June 2, 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.

Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of June, 1943.

(SEAL)

THOS. W. BRADFORD,

Register Circuit Court.

Also:

By Mr. Redd:

H. 692. To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed, one percent for assessing taxes, and one percent for collecting taxes.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

THE STATE OF ALABAMA,  
LAUDERDALE COUNTY

Notice is hereby given that a Bill will be introduced in the present 1943 session of the Legislature of Alabama, which Bill is in substance, as follows, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed, one per cent for assessing taxes, and one per cent for collecting taxes.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the City of Florence shall have the authority to enact an ordinance or ordinances, fixing the compensation of the Tax Assessor of Lauderdale County, and the Tax Collector of Lauderdale County, for assessing and collecting municipal taxes for the City of Florence, Alabama; and such compensation so provided shall be fixed at one per cent for the assessment of taxes, and one per cent for the collection of taxes.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall go into effect upon its approval by the Governor.

THE STATE OF ALABAMA,  
COUNTY OF LAUDERDALE.

Personally appeared before me the undersigned authority in and for said County and State, J. L. Meeks, Jr., who being by me first duly sworn, deposes and says as follows:

That he is publisher of the Florence Times, a newspaper of general circulation published in Florence in said County, and that the attached notice of the intention to introduce a Bill entitled, "To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed at one per cent for assessing, and one per cent for collecting taxes" was published in said newspaper once a week for four consecutive weeks, said notice and Bill appearing in the issues of May 12, 19, 26; June 2, all in the year of 1943.

J. L. MEEKS, JR.,

Sworn to and subscribed before me, this 3rd day of June, 1943.

(SEAL)

THELMA M. HURST,

Notary Public.

Also:

By Mr. Henderson:

H. 670. To, Create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature for the following Local Bill Applicable to Cherokee County.

•  
A Bill To Be Entitled  
AN ACT

To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment an or election to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official Bond and provide for the payment of the premium thereon by the County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That there is hereby ceated the office of President of the Board of Revenue in and for Cherokee County, Alabama.

Section 2. That said President of the Board of Revenue shall be a resident citizen and qualified elector of Cherokee County, Alabama, and

over the age of twenty-five years. That said President of the Board of Revenue hereby created shall be elected by the qualified electors of Cherokee County, Alabama, at the general election to be held in the year 1946 and every six years thereafter and shall hold office for a term of six years, beginning on the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified, that immediately upon the approval of this Act the Governor of Alabama with the approval of the Senate shall appoint a President of the Board of Revenue who shall hold office until the first Monday after the second Tuesday in January, 1947, and that any time should a vacancy occur in said office of President of the Board of Revenue, the Governor shall make appointment for the unexpired term.

Section 3. The President of the Board of Revenue shall take the oath of office required by members of the Board of Revenue or like governing body and shall furnish good and sufficient Bond executed by some Surety Company, authorized to do business in Alabama, in the penal sum of Ten Thousand (\$10,000.00) Dollars payable to Cherokee County, Alabama to be approved by the Judge of Probate of Cherokee County, Alabama, and conditioned upon the faithful performance of his duties as required by law, and the premium on said bond to be paid by Cherokee County, Alabama.

Section 4. The President of the Board of Revenue shall receive a salary of Eighteen Hundred (\$1800.00) Dollars per annum, payable in equal monthly installments of One Hundred Fifty (\$150.00) Dollars; and shall be the presiding officer of the Board, and in addition to the rights duties and powers designated in this Act, he shall exercise and perform all other rights and duties in relation to the Board of Revenue, and shall be liable to the same pains and penalties in connection therewith as are now exercised by Judges of Probate of the several counties of this State as provided by the general law of the State, in relation to Boards of Revenue Court of County Commissioners, or other like governing bodies.

Section 5. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 6. That if any Section, part or paragraph of this Act shall be declared to be unconstitutional it shall not affect any other part, paragraph or Section thereof.

Section 7. This Act shall take effect and be in force on the first day of August 1943 upon its approval by the Governor or its otherwise becoming law.

9-4t.

#### STATE OF ALABAMA, CHEROKEE COUNTY.

Before me, Thos. W. Bradford, Register Circuit Court in and for said State and County, this day personally appeared Joe M. Shaw, Sr., who being by me first duly sworn, deposes and says that he is the Editor and Publisher of Cherokee County Herald, a Newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th, May 19th, May 26th and June 2, 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.

Editor and Publisher.

Sworn to and subscribed before me, this the 5 day of June, 1943.

(SEAL)

THOS. W. BRADFORD,  
Register Circuit Court.

Also:

By Mr. Henderson:

H. 673. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provided for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Section 8, 11, and 12 of said Act.

With notice and proof thereto attached and herewith exhibited as follows:

It is proposed to introduce and ask for passage in the 1943 Session of the Alabama Legislature the following Local Bill Applicable to Cherokee County.

A Bill To Be Entitled  
AN ACT

To amend an Act entitled an Act

"To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from

each of said Districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium there on. To provide when this Act shall take effect: to provide that any section of provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, in so far as they apply to Cherokee County, Alabama.

This Act became a law under Section 125 of the Constitution on August 22, 1939; By amending Sections 8, 11 and 12 of said Act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. That Section 8 of an Act entitled An Act: "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their terms of office, to divide said county into four districts and define the boundaries of each of said districts to designate declare and appoint amember from each of said Districts, and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said Board, to provide for the designation of the chairman of said board, designated declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the time and place of their meeting and provide for the compensation of the members thereof. To provide for their official Bonds and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act in so far as they apply to Cherokee County, Alabama"; which said Act becomes a law under Section 125 of the Constitution on August 22, 1939. Be and the same is hereby amended so as to read as follows: "Section 8. A majority of said Board of Revenue shall constitute a quorum for the transaction of business and no funds or monies belonging to the County shall be paid out or warrants drawn thereon except when and as authorized by said Board of Revenue and a list or registry of all sums drawn or paid out, together with the nature of the claims and the name of the person to whom paid or in whose favor drawn shall be kept by the President of the Board of Revenue, which list or registry shall become a permasent record in the office of the President of the Board of Revenue."

Section 2. It is further enacted that Section 11 of said Act be and is hereby amended so as to read as follows: "Section 11. The President of the Board of Revenue of Cherokee County, Alabama, shall be and is hereby

made the presiding officer of said Board of Revenue, and it shall be his duty to preside at all meetings of the Board of Revenue, but shall not be entitled to vote on any question, proposition, or proposal that may come before the Board of Revenue, except in case of a tie vote, in which event the President of the Board of Revenue shall cast the deciding vote."

Section 3. It is further enacted that Section 12 of said Act be, and the same is hereby amended so as to read as follows: "Section 12. The President of the Board of Revenue of Cherokee County, Alabama, shall keep or cause to be kept, a complete and accurate account of all the proceedings of the Board of the Board of Revenue, which shall be termed and designated "Minutes of the Board of Revenue," and shall be kept as a permanent record in the office of the President of the Board of Revenue, that he shall keep such records as are now or may hereafter be prescribed by the State Comptroller or other Director of the Budget Control Act, and the Uniform Accounting System of the State of Alabama."

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 5. That if any Section, part or paragraph of this Act shall be declared to be unconstitutional, it shall not affect any other part, paragraph or section thereof.

Section 6. That this Act shall take effect and be in force upon its approval by the Governor or its otherwise becoming law.  
9-4t.

STATE OF ALABAMA,  
CHEROKEE COUNTY.

Before me, Thos. W. Bradford, Register Circuit Court in and for said State and County, this day personally appeared Joe M. Shaw who being by me first duly sworn, deposes and says that he is the Editor and Publisher of Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in Centre, Alabama, on to-wit: May 12th, May 19th, May 26 and June 2, 1943 without cost to the State of Alabama.

JOSEPH M. SHAW, SR.

Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of June, 1943.  
(SEAL)

THOS. W. BRADFORD,  
Register Circuit Court.

Also:

By Messrs. Deason and Black:

H. 648. To establish a Tubercular Sanatorium in Walker County, Alabama, and to authorize the Board of Revenue or any other like governing body of Walker County, to build, equip and maintain said sanatorium and to establish a Board of Control to operate same, with full power and authority to make rules and regulations governing the operations, governing the employees, governing the selection of the employees.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given that a bill will be introduced in the Legislature substantially as follows:

## AN ACT

To establish a Tubercular Sanatorium in Walker County, Alabama,, and to authorize the Board of Revenue or any other like governing body of Walker County, to build, equip and maintain said sanatorium and to establish a Board of Control to operate same, with full power and authority to make rules and regulations governing the operations, governing the employees, governing the selection of the employees.

Be it Enacted by the Legislature of Alabama:

Section 1. That a Tubercular Sanatorium is hereby established for Walker County, Alabama for the reception of indigent tubercular patients or tubercular persons in need of hospital treatment.

Section 2. That the Board of Revenue of Walker County, Alabama or like governing body of said County, is hereby authorized to build, equip and maintain said sanatorium and authorized to pay for the same out of the general fund of Walker County, Alabama. That the Alms House and grounds now owned by Walker County is designated as suitable location and building for said sanatorium and the Board of Revenue or like governing body of Walker County is authorized to use the same for said purpose in lieu of building a new building.

Section 3. That there is hereby created a Board of Control for said sanatorium, which shall at all times be composed of the Probate Judge, the Chairman of the Board of Censors or Board of Health and the County Health Officer of said County. That the Board of Control is hereby vested with full power and authorized to operate said sanatorium and to make all rules and regulations that may be necessary for the government and operation of said Institution and shall have complete control over the selection and supervision of employees with power to fix the salaries of same.

Section 4. That when the State, through the Health Department, shall offer to furnish a Medical Supervisor and a Supervisory Nurse for said Institution and to pay a subsidy of One Dollar per day per patient treated in said sanatorium, then it shall be the duty of the Board of Revenue or like governing body to equip and maintain said Institution and they shall pay for the maintenance of the same out of the general fund of the County of not more than Twelve Thousand Dollars per year.

Section 5. That there is hereby appropriated out of the general fund of Walker County, Alabama the sum of Twelve Thousand Dollars per year to be paid in monthly installments of not more than One Thousand Dollars per month for the maintenance of said sanatorium and it shall be the duty of the said Board of Revenue to pay said sum or the amount necessary to maintain same monthly, up to One Thousand Dollars on the certificate of the Medical Supervisor of said Institution approved by the County Health Officer of Walker County, Alabama.

Section 6. That the Medical Supervisor and Supervisory Nurse of said Institution shall be furnished by the State of Alabama through the Health Department without any cost to Walker County or the Board of Control and the subsidy of One Dollar per day for each patient shall be paid for

by the State of Alabama through the Health Department to said Institution without any cost to Walker County and payment of said salaries and subsidy shall be governed by the regulations of the Board of Control.

Section 7. That the Medical Supervisor of said Sanatorium shall make and file with the County Health Office of Walker County, Alabama, on the first of each month, a statement showing the number of patients received and treated and being treated, and number of patients on hand and the number of patients discharged during each month.

Section 8. That this act shall go into effect on the first day of the first month after its passage and approval of the Governor.

Section 9. That if any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this act which is held invalid or unconstitutional.

Section 10. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

J. H. DEASON,  
Representative Place No. 2  
CHESTER M. BLACK,  
Representative Place No. 1.

STATE OF ALABAMA,  
COUNTY OF WALKER.

Before me, the undersigned authority in and for said State and County, this day personally appeared E. H. Pierce, President of The Mountain Eagle, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who, being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Mountain Eagle for 4 consecutive weeks, namely: 4-29-43; 5-6-43; 5-13-43; 5-20-43.

THE MOUNTAIN EAGLE,  
By E. H. PIERCE.

Sworn and subscribed to before me, this 2 day of June 1943.  
(Seal)

FAY O'REAR,  
Notary Public.

Also:

By Mr. Walker:

H. 688. To amend Sections 2 and 3 of an Act entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan.)

With notice and proof thereto attached and herewith exhibited as follows:



A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 2 and 3 of an Act entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933, (Local Acts 1933 No. 136, Senate Bill 203-Duncan).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 2 of an Act of the Legislature of Alabama, entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successor in office" approved April 11, 1933, (Local Acts 1933, No. 136, Senate Bill 203—Duncan) be, and the same is hereby amended so as to read as follows: Section 2. That immediately after the passage of this Act, a special election shall be called by the Probate Judge of Chilton County, and held in Chilton County, Alabama, the expenses thereof to be paid out of the general funds of said County, for the purpose of electing a County Superintendent of Education for said County, by the qualified electors thereof, who shall assume the duties of his office July 1 1933, and shall hold office until his successor is elected and qualified at the general election to be held on the second Tuesday in November, 1934, and thereafter the Superintendent is to be elected quadrennially and shall hold office for a period of four years, beginning July 1 following the general election in which he was elected, unless removed for good cause, nominations for this office shall be made in the primary elections as provided for the other County offices.

Section 2. That Section 3 of said Act be, and the same is hereby amended so as to read as follows: Section 3. That the salary of the said Superintendent of Education shall be fixed by the County Board of Education of Chilton County, Alabama, which salary shall not be less than \$1,800.00 nor more than \$3,600.00 per annum, and in addition to said salary, the Board of Education of Chilton County, Alabama be and hereby is authorized and empowered to pay the Superintendent of Education of Chilton County, Alabama any expenses which have heretofore or may hereafter be incurred by him in the discharge of his duties as such Superintendent of Education of Chilton County, Alabama, in promoting and supervising the educational interest of Chilton County, Alabama, which salary and expenses shall be paid in the same way and manner as is now provided under the general laws of the State of Alabama for the payment of salaries and expenses of County Superintendents of Education in the several counties of said state.

Section 3. All laws and parts of laws local, general or special, in conflict herewith are hereby repealed.

Section 4. If any part of this Act should be declared unconstitutional or invalid, the remaining parts shall remain in full force and effect.

Section 5. Section 1 of this Act shall become effective July 1, 1943. Section 2 of this Act shall become effective at the expiration of the present Superintendent's term of office.

STATE OF ALABAMA,  
CHILTON COUNTY.

I, R. M. Tucker, editor of the Chilton County News, do solemnly swear that the attached advertising did appear in its issues of May 13, 1943; May 20, 1943; May 27, 1943; June 3, 1943, four consecutive issues.

R. M. TUCKER.

STATE OF ALABAMA,  
CHILTON COUNTY.

Before me, Martha S. Culp, a Notary Public, in and for said State and County, personally appeared the undersigned party, who being duly sworn, stated that the above is true, and correct.

Sworn to and subscribed before me this 7th day of June, 1943.

(SEAL)

MARTHA S. CULP,  
Notary Public.

Also:

By Mr. Coburn:

H. 676. To repeal an act entitled "An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act", approved March 8, 1933.

With notice and proof thereto attached and herewith exhibited s follows:

NOTICE

is hereby given that a bill will be introduced in the present regular 1943 session of the Legislature of Alabama which bill is in substance as follows:

A BILL TO BE ENTITLED  
AN ACT

To repeal an act entitled An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture,

fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act approved March 8, 1933.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act of the Legislature of Alabama approved March 8, 1933, entitled, An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased by or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act, be and the same is hereby repealed.

Section 2. This Act shall take effect upon its approval by the Governor. 14-4t.

STATE OF ALABAMA,  
COUNTY OF MONTGOMERY.

Before me, the undersigned authority in and for said State and County, this day personally appeared Paul Coburn, Editor and Publisher of The Muscle Shoals Advertiser a newspaper published in Tuscombua, Colbert County Alabama, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of May 14th, 1943, who being by me duly sworn says that the legal notice, a copy of which is hereto attached was published in the said The Muscle Shoals Advertiser for four consecutive weeks, namely: May 14, May 21, May 28, June 4, 1943.

THE MUSCLE SHOALS ADVERTISER,  
By PAUL COBURN,  
Editor and Publisher.

Sworn to and subscribed to before me, this 5 day of June, 1943.  
(SEAL) EFFIE T. GULLEDGE,  
Notary Public.

Also:

By Mr. McCurdy:

H. 686. To abolish the Court of County Commissioners of Escambia County, Alabama; To establish "The Board of Revenue of Escambia County, Ala.," composed of Five (5) Members; in lieu of the Court of County Commissioners of said County as now constituted; To designate and name the members of said Board of Revenue for the present and until their successors are elected and qualified; To require the Judge of Probate of said County to be the Chairman of said Board of Revenue; to provide for the election of the other four (4) members of said Board; to fix the terms of office of the members of said Board; To prescribe the qualifications of the members of said Board; To di-

vide said county into Four (4) Districts; To make said Districts and the boundaries thereof the same as they are now established by law; To require that one each of said four members of said Board shall be elected from and represent one of said four (4) districts; To prescribe and fix the terms and sessions of said Board and a quorum thereof; to prescribe, fix and limit the powers, jurisdiction and duties of said Board of Revenue, the members of said Board and the Chairman and Clerk thereof; To provide for a Clerk of said Board and his compensation; To provide that all general and local laws which now apply to and govern the Court of County Commissioners of said County shall apply to and govern said Board of Revenue; To provide that all general laws which may hereafter apply and govern Courts of County Commissioners in this State shall apply to and govern said Board of Revenue; To provide for and fix the amount and compensation of the members of said Board; To provide for the filling of all vacancies on said Board of Revenue.

With notice and proof thereto attached and herewith exhibited as follows:

#### PUBLIC NOTICE

State of Alabama, Escambia County. Court of County Commissioners, April 12, 1943.

Public notice is hereby given under and in accordance with Section 106 and 107 of the Constitution of Alabama, by publication of this notice once a week for four consecutive weeks, in a newspaper published within Escambia County, Alabama, that it is the intention of said County and its Court of County Commissioners to apply to the Present Legislature of Alabama and at its present session held at Montgomery, Alabama, for the enactment of a Local Law, the substance of which Local Law is hereinafter set out and shown in the Bill, hereto annexed, hereby referred to, and made a part of this notice. Made and dated at Brewton, Alabama, on this the 12th day of April, 1943.

ESCAMBIA COUNTY, ALABAMA AND ITS COURT OF COUNTY COMMISSIONERS.

By Thos. A. Peavey, Judge of Probate.

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#### A Bill Entitled AN ACT

To abolish the Court of County Commissioners of Escambia County, Alabama; To establish "The Board of Revenue of Escambia County, Ala.," composed of Five (5) Members; In lieu of the Court of County Commissioners of said County as now constituted; To designate and name the members of said Board of Revenue for the present and until their succes-

sors are elected and qualified; To require the Judge of Probate of said County to be the Chairman of said Board of Revenue; To Provide for the election of the other four (4) members of said Board; to fix the terms of office of the members of said Board; To prescribe the qualifications of the members of said Board; To divide said county into Four (4) Districts; To make said districts and the boundaries thereof the same as they are now established by law; To require that one each of said four members of said Board shall be elected from and represent one of said four (4) districts; To prescribe and fix the terms and sessions of said Board and a quorum thereof; To prescribe, fix and limit the powers, jurisdiction and duties of said Board of Revenue, the members of said Board and the Chairman and Clerk thereof; To provide for a clerk of said Board and his compensation; To provide that all general and local laws which now apply to and govern the Court of County Commissioners of said County shall apply to and govern said Board of Revenue; To provide that all general laws which may hereafter apply and govern Courts of County Commissioners in this State shall apply to and govern said Board of Revenue; To provide for and fix the amount and compensation of the members of said Board; To provide for the filling of all acancies on said Board of Revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners of Escambia County, Alabama, as now established by law is hereby abolished; That in lieu thereof there is hereby created and established "The Board of Revenue of Escambia County, Ala.," composed of five (5) members; That said Board of Revenue shall be the governing body of Escambia County, Ala. That said Board of Revenue shall be composed of the Judge of Probate of said County, Its Chairman, and four (4) other members; That said four other members shall represent the Four (4) Districts of said County, one member shall be elected from each district, as and in the manner heretofore required by law, and as herein provided.

Section 2. That the members of said Board of Revenue for the present are and shall be the same persons, as those heretofore elected and now composing the members of the Court of County Commissioners of Escambia County, Alabama, namely, Hon. Thomas A. Peavey, who is now the duly elected Probate Judge of said County, who shall be the Chairman of said Board; That the four other members of said Board are, Hon. Marlin J. Cook, of Damascus, Alabama, the present elected member from Commissioners District No. 1; Hon. D. P. Liles, of Brewton, Alabama, the present elected member from Commissioners District No. 2; Hon. Ben L. Martin, of Keego, Alabama, the present elected member from Commissioners District No. 3; Hon. J. B. Stallworth, of Atmore, Alabama, the present elected member from Commissioners District No. 4; That all the present members of the Court of County Commissioners of said County are hereby made the present members of said Board of Revenue; That the Judge of Probate of said County shall be the ex-officio Chairman of said Board of Revenue; that his powers and duties with reference to said Board are as herein provided and are the same duties and powers fixed by law governing a Court of County Commissioners of this State; That his term of office as Chairman of said Board expires at the termination of his office of Judge of Probate; That the other four members of said Board of Revenue shall hold office for the time and terms herein provided and until their successors are elected and qualified as provided for in this Act. That in case of a vacancy of the Chairman or any of the other four members of said Board, then in that event all

such vacancies shall be filled by appointment made by the Governor of Alabama; that the person so appointed (other than the Judge of Probate and Chairman) to fill any such vacancy shall be a qualified elector of the District in which such vacancy exists, and he shall hold office either for the full term or for the unexpired term to which he is appointed to fill, and until his successor is elected and qualified. That the successors to said four (4) other members of said Board representing said Four Districts shall be elected as follows: That Two (2) Members of said Board—One (1) Member from said District No. 2, and One (1) Member from said District No. 4 as now constituted—shall be elected at the General Election to be held within said County and within each of said Districts during the year 1944, and every four (4) years thereafter; That their four (4) years terms of office shall begin on the First Monday after the Second Tuesday in January after their election; That Two (2) Members of said Board—One (1) Member from said District No. 1 and One (1) Member from said District No. 3, as now constituted, shall be elected at the General Election within said County and within said Districts in the year 1946, and every four (4) years thereafter, and their four (4) year terms of office shall begin on the First Monday after the Second Tuesday in January after their election, and each and all of said four (4) members when elected shall hold office until their successors are elected and qualified; That said Escambia County is divided into Four (4) Road Commissioners District, numbered 1, 2, 3, 4; That each of said Districts are unchanged; They shall have the same numbers, the same boundaries and are and shall remain as they are now constituted and heretofore established by law; That each of said four (4) members of said Board representing said four (4) Districts, shall be a qualified elector, resident, and citizen of the District for which he is elected or appointed to represent, as a member of said Board; That one (1) of said four (4) members shall be elected from one of said Districts: That each of said Districts shall be represented by one of said four (4) members of said Board of Revenue; That the qualified electors of each of said Districts shall elect one of said four (4) members of said Board of Revenue to serve on said Board every four (4) years, as provided for in this Act.

Section 3. That said Board of Revenue shall have jurisdiction, power and authority as follows: To protect, manage and control the property of said County as it may deem necessary according to law, for the best interest of the county; to acquire and dispose of property as may be found necessary for county public purposes; To levy annually a general county tax for general and a special county tax for special county purposes according to the laws of Alabama, including General Act No. 309, page 346-347 of the General Acts of 1931 which law applies to Escambia County, Alabama. To examine, settle and allow all claims, accounts and things chargeable against the County; to audit and settle all accounts of all officers having the care, management, collection or disbursement of money belonging to the County or appropriated for the use and benefit of said County; To have control of the convict labor of said County and the disbursement of the proceeds thereof as is or may hereafter be authorized by law; To have control of and make provision for the poor of said county as is now or as may hereafter be authorized by law. To enforce the payment of all debts and obligations which may be now owing or which may be hereafter due and owing to said County by any person, firm or corporation. To make or authorize the making of all county contracts deemed necessary as provided by law; To bind said county in any lawful contract as provided by law. To have and provide a seal for said Board of Revenue and for said County. To establish and

maintain a good public road system throughout said County as provided or authorized by law; To employ all necessary agents to enable said Board to fully exercise and perform its powers and duties; To provide for the purchase and payment of all necessary stationery, office material and supplies, furniture and fixtures necessary for the use of said Board and necessary for the use of all officers of said County and as provided by law. That all general laws of Alabama now in force, and all general laws hereafter enacted governing the jurisdiction, power, authority and duties of a Court of County Commissioners of this State and the members thereof shall apply to and govern said Board of Revenue; That all local laws governing Escambia County, Alabama and its Court of County Commissioners heretofore enacted shall apply to and govern said Board of Revenue. That the Chairman of said Board shall be its presiding officer; That the Chairman of said Board shall have no right to vote as a member of said Board except in case of a tie vote of the other members of said Board in which case the Chairman shall cast the deciding vote; That said Chairman either as Chairman of said Board or as Judge of Probate of said County, one or both, shall sign all county warrants for the disbursement of County Money; he may sign or execute for the County all county contracts entered into or authorized by said Board of Revenue for said County; When authorized by the Board he shall represent said County in or out of the County for the protection of the interest of said County and in so doing his necessary expenses may be allowed as provided by law. He shall see to it that all orders of said Board are properly executed; said Chairman may exercise all the duties and powers required of the Judge of Probate as to all matters allowed by law to come before a Court of County Commissioners; That in case of sickness or other temporary absence of the Chairman, the other members of said Board may designate a temporary chairman and presiding officer who may exercise all the powers of the Chairman of said Board. That said Board of Revenue may appoint a Clerk of said Board and fix and allow his compensation; That the term of office of said Clerk shall be at the pleasure of said Board; That said Clerk shall generally do and perform all such services, duties, matters and things as may be required of him by said Board of Revenue. That he shall have all the powers and perform all the duties governing the Clerk of a Court of County Commissioners under the laws which now exist or which may hereafter be enacted. That said Clerk shall keep the Minutes, record, and proceedings of said Board and all of said records shall be open at all reasonable hours to the inspection of the public. That said Board is obligated and required to construct, establish, and maintain a good system of modern County Public Roads and Bridges throughout said County and in each of said Districts; That each member of said Board representing each District is responsible to said Board for the performance of his road duties in his District; That said Board may do all things necessary, according to law to compel each of said four (4) members representing said Districts to perform his road duties in his district and said Board may exercise all power necessary to establish and maintain good county public roads and bridges in any district where the member representing any district is in default; That said Board may divide and allocate the available county road money and revenue including the gasoline tax revenues of said County into four (4) equal parts and among said four (4) Districts, or otherwise, and in such manner as to make sufficient provision for the maintenance, repairs and construction of County Public Roads and Bridges within each of said Districts and throughout the County.

Section 4. That said Board of Revenue shall hold its regular terms, sessions and meetings on the Second Monday in each month and may continue in session as long as necessary to conduct the business of said County; That said Board may adjourn its terms and sessions from time to time as may be found necessary to conduct the business of said County; That said Board may hold meetings and sessions at any time upon call of the chairman and notice given to all members of said Board; That all terms and sessions of said Board shall be held at the County Court House of said County; That said Board is entitled to proper and sufficient offices and rooms in the County Court House Building of said County which may be designated by said Board; That a majority of all the members of said Board of Revenue shall constitute a quorum of said Board for the transaction of the business of said Board; That any number less than a quorum may adjourn the terms, sessions and meetings of said Board to another day.

Section 5. That the compensation of the members of said Board is herein provided for and fixed; That the Chairman of said Board shall have and be allowed the same compensation allowed the Judge of Probate for serving as Chairman, Principal Judge and ex-officio Clerk of a Court of County Commissioners in this State, namely, his per diem of (\$4.00) Four Dollars for sitting as a member of said Board, and shall be the same compensation heretofore allowed and paid by said County to the Probate Judge for his services as principal judge and ex-officio clerk of the Court of County Commissioners of said County which Court has been herein abolished; That the compensation for each of the other four (4) members of said Board of Revenue is herein provided for and fixed as follows: That each of said four (4) members of said Board representing said four (4) Districts are entitled to and shall receive and be paid their compensation which is a monthly salary in the sum of (\$200.00) Two Hundred Dollars, per month, which sum shall be due and payable to each of said four (4) members monthly on the last day of each month; That no other compensation, mileage, fees, or expenses shall be allowed or be paid by said County to said four (4) members for their services in performing their duties as members of said Board; That said compensation is not in excess of the sums now allowed and paid monthly to the members of the Court of County Commissioners of each District for their per diem, and for their expenses for gas and oil authorized by law, if to this is added, or could be added a reasonable charge for the use and rent of a necessary motor car. That said compensation may be allowed and paid either in whole or in part, out of the County Road and Bridge Fund, the County General Fund or the county gasoline tax fund; That the compensation of the Chairman of said Board may in like manner be paid out of said County Funds; That the compensation which may be due the Clerk of said Board may in like manner be paid out of said funds; That the duties of said four (4) members of said Board are and have been increased; increased on account of the increase in the number of mileage of the county public roads, the number of county culverts and bridges necessary to be maintained, constructed and repaired in each of said Districts; On account of the increase of large investments and sums of public money invested in the roads and bridges of said County; On account of the repairs constantly required due to the heavy rainfall in said County; On account of preventing depreciation; On account of maintaining said public roads for adequate use of motor trucks and motor cars throughout the year; That said four (4) other members will devote such time as necessary to the supervision, control, management, use and allocation of all labor, material and machinery, required for the proper and sufficient maintenance, repair and construction of the



public roads and bridges within said county and within each of said Districts. That each member of said Board representing said Districts shall at his own expense provide himself with a suitable motor car and all other facilities necessary for the proper performance of his road duties under this Act; That said salary as herein fixed is made and deemed adequate for said purposes; That the adjoining counties of Baldwin, Conecuh, Covington and Monroe have heretofore been provided with Special Acts of the Legislature of substantially the same substance as provided for in this Act.

Section 6. That if any section, provision, or part of this Act shall be declared unconstitutional or void by any Court or competent jurisdiction it shall not effect the validity of the remaining Sections, provisions or parts of this Act.

Section 7. That all laws and parts of laws in conflict with the provisions of this Act, be and the same are, hereby repealed; That this Act shall take effect immediately upon its passage and approval by the Governor. 48-4tc.

STATE OF ALABAMA,  
 ESCAMBIA COUNTY.

#### AFFIDAVIT AND PROOF

Before me, Thomas A. Peavey, the undersigned Judge of Probate, of Escambia County, Alabama, this day personally appeared before me the undersigned, W. E. Brooks, who is well known to me, and who being by me first duly sworn, deposes and says as follows:

1. That said affiant, W. E. Brooks, is the owner and publisher of "The Brewton Standard," a weekly newspaper published within the City of Brewton, Alabama, and within Escambia County, Alabama, and that said newspaper has a general circulation throughout said County, and is published according to law.

2. That said Public Notice and said Local Bill above set out and shown, and which are hereto annexed, have been duly published, as required by the Constitution of Alabama, in said Brewton Standard and in said newspaper, being a local bill which proposes to abolish the Court of County Commissioners of Escambia County, Alabama, and to establish in lieu thereof the Board of Revenue of Escambia County, Alabama.

3. That said Public Notice and said Local Bill have been duly published in said Newspaper and in said Brewton Standard, once a week for four (4) consecutive weeks, during the months of May and June, 1943; That said publication appeared in the issues of said newspaper, of Thursday, May 13th; of Thursday, May 20th; of Thursday, May 27th; and of Thursday, June 3, 1943, and that said publication was made without charge to the State of Alabama. That in witness whereof, said W. E. Brooks, has hereunto set his hand and seal on this the 3rd day of June, 1943.

W. E. BROOKS (SEAL)

Affiant.

Sworn to and subscribed to before me on this the 3rd day of June, 1943.

THOS. A. PEAVEY,

Judge of Probate of Escambia County, Alabama.

Attest: G. W. L. Smith, Atty., Brewton, Ala.

Also:

By Mr. McCurdy:

H. 687. To amend Section 1 of An Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1927, page 41, of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor of Escambia County, Ala., and provide for the manner of payment of the same."

With notice and proof thereto attached and herewith exhibited as follows:

#### PUBLIC NOTICE

##### A Bill Entitled AN ACT

To amend Section 1 of An Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1927, page 41, of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor for Escambia County, Ala., and provide for the manner of payment of the same."

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Section 1 of An Act of the Legislature of Alabama being Local Act No. 120, approved June 27, 1927, page 41 of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor for Escambia County, Ala., and provide for the manner of payment of the same," be and said Section 1 is hereby amended so as to make said Section 1 read as follows: "Section 1. That the salary of the Deputy Solicitor of Escambia County, Ala., be and the same is hereby fixed at the sum of (\$1,800.00) One Thousand Eight Hundred Dollars per year, payable out of the County Treasury of said County in monthly installments at the rate of (\$150.00) One Hundred and Fifty Dollars per month, the payment of such salary to be by warrant of the Probate Judge drawn on the Treasury or the County Depository of said County and made payable out of the County General Fund of said County as now authorized by law and Title 12, Section 121, Sub. 2 of the Alabama Code of 1940; That said salary shall be budgeted annually in the county budget against the County General Fund; That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

PUBLIC NOTICE is hereby given under and in accordance with Sections 106 and 107 of the Constitution of Alabama and by the publication of this notice once a week for four (4) consecutive weeks in a newspaper published within Escambia County, Alabama, that it is the intention of said County and its Court of County Commissioners to apply to the coming session of the present Legislature of Alabama and at its next session to be held at Montgomery, Alabama for the enactment of a Local Law, the substance of which local law is hereinabove set out and shown in the Bill heretofore annexed, hereby referred to and made a part of this Notice.

Made and dated at Brewton, Alabama on this the 12th day of April, 1943.  
ESCAMBIA COUNTY, ALABAMA AND ITS COURT OF COUNTY COMMISSIONERS.

By Thos. A. Peavey, Judge of Probate.

STATE OF ALABAMA,  
ESCAMBIA COUNTY.

## AFFIDAVIT AND PROOF

Before me, Thomas A. Peavey, the undersigned Judge of Probate of Escambia County, Alabama, this day personally appeared before me, W. E. Brooks, and who being my first duly sworn, deposes and says, as follows:

1. That said affiant, W. E. Brooks, is the owner and publisher of "The Brewton Standard," a weekly newspaper published in the City of Brewton, Alabama, and within Escambia County, Alabama, and the said newspaper has a general circulation throughout said County, and is published according to law.

2. That said Public Notice and said Local Bill above set out and shown is hereto annexed, has been duly published, as required by the Constitution of Alabama, in said Brewton Standard and in said newspaper, being a local bill which proposes to amend Section 1 of an Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1937, page 41 of the Local Acts of 1927, entitled—"An Act to fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of the payment of the same."

3. That said Public Notice and said Local Bill have been duly published in said newspaper and in said Brewton Standard once a week for (4) four consecutive weeks, during the months of May and June, 1943; that said publication appeared in the issues of said newspaper of Thursday May 13th; Thursday, May 20th; Thursday, May 27th and of Thursday, June 3, 1943. and said publication was made without charge to the State of Alabama, and in witness whereof said W. E. Brooks, has hereunto set his hand and seal on this the 3rd day of June, 1943.

W. E. BROOKS, (SEAL)

Affiant.

Sworn to and subscribed to before me on this the 3rd day of June, 1943.

(SEAL)

THOS. A. PEAVEY,

Judge of Probate of Escambia County, Alabama.

Attest: G. W. L. Smith, Atty., Brewton, Ala.

Also:

By Mr. Elrod:

H. 669. To abolish the office of Deputy Solicitor of Blount County, and to create in lieu thereof the office of County Solicitor of Blount County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama,  
Blount County.

A Bill to be entitled an Act to abolish the office of Deputy Solicitor of Blount County, and to create in lieu thereof the office of County Solicitor

of Blount County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of Deputy Solicitor of Blount County is hereby abolished, and there is hereby created in lieu thereof the office of County Solicitor of Blount County. The present Deputy Solicitor of Blount County is hereby made the County Solicitor of Blount County until the first Monday after the Second Tuesday in January, 1945. At the general election in 1944, and every four years thereafter, the County Solicitor of Blount County shall be elected by the qualified voters of Blount County, and the County Solicitor so elected shall hold office for four years, commencing on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The County Solicitor Before entering upon the duties of said office shall take the same oath required by law to be taken by the Solicitors of the Circuit Courts of Alabama. The County Solicitor shall receive a salary on One Hundred and Twenty-Five (\$125.00) Dollars per month, to be paid as a preferred claim out of the general fund of said County.

Section 2. The County Solicitor shall be a person learned in the law who has been admitted to practice law in the State of Alabama, and a qualified elector of said County.

Section 3. The County Solicitor shall have the duty of prosecuting all criminal cases in County Court and shall assist the Circuit Solicitor in prosecuting all appeals therefrom to the Circuit Court, and shall have all the powers of, and shall perform all other duties now or hereafter provided by general law for, Deputy Solicitors.

Section 4. The County Solicitor shall not represent or defend as attorney any defendant in any criminal case in any court of the State of Alabama or of the United States.

Section 5. Vacancies in the office of County Solicitor shall be filled by appointment of the Governor for the unexpired term.

Section 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 7. This Act shall go into effect immediately upon its approval by the Governor.

M 13-4t.

THE STATE OF ALABAMA,  
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 13 day of May, 1943, and ending on the 3 day of June, 1943.

RICE M. HOWARD,  
Publisher.

Sworn to and subscribed before me this 5 day of June, 1943.

R. M. BANNISTER,  
Clerk Circuit Court.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills 689, 497, 672, 671, 692, 670, 673, 648, 688, 676, 686, 687, and 669, to the Committee on Local Legislation.

H. 540, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sullivan:

H. 474. To require the Judge of Probate, for the purpose of issuing motor vehicle and driver's licenses, the Tax Collector, for the purpose of collecting ad valorem taxes on motor vehicles, and the Tax Assessor for the purpose of assessing motor vehicles for ad valorem taxation in all counties in this State having a population of not less than 140,000 and not more than 300,000 according to the last or any subsequent Federal census, to maintain in addition to the office now maintained by them in the Court House of such County other offices elsewhere in such County for a period of sixty days in any calendar year; to provide for additional office space, supplies and equipment for such offices and the payment therefor, and to provide for the appointment of clerks and assistants to perform such additional duties and the payment therefor; and to provide for bonds for such temporary clerks.

And ordered same sent forthwith without engrossment to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 474, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

By a majority of the whole number elected to the House, the vote being: Yeas, 61; Nays, 0.

And said bill, S. 240, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 66; Nays, 0.

And said bill, S. 240, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lawson:

S. 170. To amend Title 39, Section 13 of the Code of Alabama of 1940, a part of the Negotiable Instruments Law, so as to broaden the scope of when an instrument is payable to bearer.

By Mr. Simpson (with amendment):

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

By Mr. St. John (Cullman):

S. 294. To amend Section 72 of Title 13 of the Alabama Code of 1940.

By Mr. St. John (Cullman):

S. 295. To amend Section 194 of title 55 of the Alabama Code of 1940.

By Mr. Cobb (with amendment):

S. 310. To require all county officers to make an annual report to the boards of revenue, the courts of county commissioners, or other county governing bodies showing all salaries, fees, costs, commissions, and charges earned or collected by them during the

last fiscal year by reason of any official act, or for the performance of any service connected directly or indirectly with their county offices, or for the sale of any information or copies of any documents, papers, maps, or records relating directly or indirectly to said offices; and to require publication of a report containing this information by the said county governing bodies.

By Mr. Sherrer:

S. 311. To amend sub-section (j) of Section 2, Title 51 of the 1940 Code of Alabama.

By Mr. McCary:

S. 325. To Amend Section 30 of Title 19 of the Code of Alabama of 1940.

By Mr. Cobb:

S. 345. To provide that in all Inferior Courts of Record and all Circuit Courts in Counties in this State, that the Sheriff, or other officers of said Courts may serve any summons for Jury Duty by Registered Mail; and to provide, that return receipt signed by the party to be served shall be construed to be as personal, sufficient and legal service of all such processes; and to fix the duty of the officers of said Courts in event that said processes are returned without being delivered to the addressee.

By Mr. Smyer:

H. 148. To amend Section 301 of Title 61 of the Code of Alabama of 1940.

By Mr. Allen:

H. 216. To amend Section 904, Title 7, Code 1940.

By Mr. Stewart:

H. 231. To amend Section 21 of Title 30 of the Code of Alabama of 1940.

By Mr. Sanderson:

H. 238. To amend Section 43 of Title 8 of the Code of Alabama of 1940.

By Mr. Bradford (with substitute):

S. 341. Relating to employers and employees and their relation to the public and to each other; define the meaning of words and terms used in the act; creating the Department of Labor; requiring reports by labor organizations; granting freedom to join or to refrain from joining labor organizations; making unlawful the interference with the right to work or the interference with the obtaining, use or disposition of materials; equipment or service; regulating

the exercise of the right to strike; creating civil liability; prohibiting payment for the privilege of working; prohibiting executive administrative, professional, or supervisory employees from becoming members in certain labor organizations; prohibiting political contributions by labor organizations; establishing civil and criminal penalties and remedies for the violation of this act; declaring the effect of a conflict with existing laws.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Hill:

S. 284. To provide for the payment to the beneficiary of a reasonable attorney's fee by defendant in all cases where judgments or decrees of the Courts of Alabama are rendered against any person, company, corporation, co-partnership, association or other insurer and in favor of the beneficiary under any policy or contract of insurance executed by any such insurer, and to prescribe the manner of fixing and collecting such fees.

By Mr. Hill:

S. 283. To provide that no evidence shall be received in the Courts of Alabama in suits or proceeding brought upon policies of insurance on buildings or other property against loss or damage by fire or other hazards hereafter issued or renewed that the property was worth, at the time of insuring it by the policy, less than the full sum insured therein on such property.

Mr. Kilborn, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Johnson:

H. 100. To repeal Sections 86, 87, 88 and 89 of Title 38, Code 1940.

Mr. Jones, Chairman of the Standing Committee on Public Health, repoted that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:



By Mr. Smith (with amendment):

S. 259. So amend Section 205, Title 46, of the 1940 Code of Alabama.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bills:

S. 185. To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabam, to expend County Funds not exceeding \$12,000.00 per annum for purposes not otherwise provided for by law.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Sherrer, the Senate concurred in the following House amendment to the bill, S. 185, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 185 by adding at the end of Section 1 the following:

"Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes."

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Lawson	St. John (Lawrence)
Benson	Dodson	Madison	Shaver
Black	Garrett	McCary	Sherrer
Bradford	Henderson	Newton	Simpson
Carlton	High	Pinson	Smith
Cater	Jones	St. John (Cullman)	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Lawson	St. John (Lawrence)
Benson	Dodson	Madison	Shaver
Black	Garrett	McCary	Sherrer
Bradford	Henderson	Newton	Simpson
Carlton	High	Pinson	Smith
Cater	Jones	St. John (Cullman)	Walton

—23

Nays:

—0

### HOUSE MESSAGE

On motion of Mr. Sherrer, the Senate concurred in the following House amendment to the bill, S. 182, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 182 by substituting the figures \$6,000.00 in Section One for the figures \$12,000.00.

And by adding to the end of Section One the following:

“Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.”

And amend Section Two by substituting the figures \$6,000.00 for the figures \$12,000.00 wherever they appear in Section Two.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Lawson	Shaver
Benson	Dodson	Madison	Sherrer
Black	Garrett	McCary	St. John (Lawrence)
Bradford	Henderson	Newton	Simpson
Carlton	High	Pinson	Smith
Cater	Jones	St. John (Cullman)	Walton

—23

Nays:

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Bradford	Cobb	Henderson
Benson	Carlton	Dodson	High
Black	Cater	Garrett	Jones

Lawson	Newton	St. John (Lawrence)	Simpson
Madison	Pinson	Shaver	Smith
McCary	St. John (Cullman)	Sherrer	Walton

—23

Nays:

—0

REPORT OF THE CONFERENCE COMMITTEE ON THE DIS-  
AGREEMENT BETWEEN THE TWO HOUSES ON  
SENATE BILL 105.

We, the undersigned members of the Conference Committee appointed by the Senate and House of Representatives to reconcile the differences existing between the two Houses on Senate Bill 105, do hereby recommend as follows:

1. That the Senate of Alabama recede from its amendment to said Senate Bill 105.

2. That the House of Representatives recede from its amendment to said Senate Bill 105.

3. That each of said legislative bodies do amend said Bill by striking out Sections 2 and 3 of original Senate Bill 105 and insert in lieu thereof the following:

"Section 2. The provisions of this Act shall become effective upon its approval by the Governor and shall remain in effect until the second Tuesday in May, 1949."

4. That each of said Houses pass said Senate Bill 105 as thus amended

FINIS ST. JOHN, JR.

O. D. CARLTON

J. BRUCE HENDERSON,

Conferees on part of the Senate.

NORMAN W. HARRIS

WILLIS L. McILWAIN

Conferees on part of the House.

I do not concur in the above conference report.

PAUL J. HOOTON.

CONFERENCE REPORT

On motion of Mr. St. John (Cullman), the Senate concurred in and adopted the foregoing Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 105. To Amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Yeas, 23; Nays, 6.

*Yeas:*

Messrs.:	Espy	Lawson	St. John (Lawrence)
Benson	Garrett	Madison	Shaver
Black	Henderson	McCary	Simpson
Bradford	High	Newton	Taylor
Carlton	Kelly	Pinson	Toomer
Cobb	Kilborn	St. John (Cullman)	Walton

—23

*Nays:*

Messrs.:	Cater	Hill	Sherrer
Bentley	Goodwin	Hornsby	

—6

And said bill, as thus amended by the Conference Report, was again read a third time at length and passed.

Yeas, 23; Nays, 6.

*Yeas:*

Messrs.:	Espy	Lawson	St. John (Lawrence)
Benson	Garrett	Madison	Shaver
Black	Henderson	McCary	Simpson
Bradford	High	Newton	Taylor
Carlton	Kelly	Pinson	Toomer
Cobb	Kilborn	St. John (Cullman)	Walton

—23

*Nays:*

Messrs.:	Cater	Hill	Sherrer
Bentley	Goodwin	Hornsby	

—6

## CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 66. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority and duties; to appropriate funds for the operation and use of said council.

Was taken up.

She Standing Committee on Finance and Taxation reported the following amendment to the bill, to-wit:

Amend Section 9 of H. B. 66 by striking therefrom the words:

"be entitled to compensation at the rates of ten dollars (\$10.00) per day for each day the council is in session, but not to exceed \$200.00 in any calendar year, and shall also"

Where such words occur together therein, and insert in lieu thereof the following:

"be entitled to be reimbursed for necessary expenses while attending sessions of the Council and also"

Which was adopted.

Yeas, 28; Nays, 1.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Lawson	Simpson
Black	High	Madison	Smith
Bradford	Hill	McCary	Taylor
Carlton	Hornsby	Pinson	Toomer
Cater	Jones	St. John (Cullman)	Walton
Cobb			

—28

*Nay:* Mr. St. John (Lawrence) —1

Mr. Madison offered the following amendment to the bill, to-wit:

Amend Section 6 of H. B. 66 so that the same shall read as follows:

Section 6. For what purpose the Fund may be used. Any funds appropriated by the Legislature to the War Emergency Council may be allocated by the Council to supplement any appropriation made by said Legislature to any department, institution, or agency of the State of Alabama to meet any emergency that may hereafter arise in any such department, institution, or agency or to meet any emergency that may hereafter arise for which State funds are authorized to be expended.

Which was adopted.

Yeas, 25; Nays, 1.

*Yeas:*

Messrs.:	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	High	McCary	Simpson
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Jones	St. John (Lawrence)	Walton
Espy	Kilborn		

—25

*Nay:* Mr. Smith —1

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend Section 12 of House Bill No. 66 to read as follows:

"Section 12. This Act shall expire May 30, 1945, and any amount remaining in said War Emergency Fund at that time shall revert to the general fund of the State Treasury."

Which was adopted.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	High	Madison	Simpson
Black	Hill	McCary	Smith
Bradford	Hornsby	Pinson	Taylor
Carlton	Jones	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton
Cobb			

—28

*Nays:*

—0

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. 66 in the printed copy thereof by inserting after the figures \$750,000.00 on line 12 of page four the words and figures

"and under \$2,750,000.00"

And by inserting the same words and figures after the figures \$750,000.00 on line 18 of page 4.

And on motion of Mr. Simpson, said amendment was laid on the table.

Yeas, 22; Nays, 9.

*Yeas:*

Messrs.:	Espy	Jones	Sherrer
Benson	Garrett	Kelly	Simpson
Bentley	Goodwin	Lawson	Taylor
Black	High	McCary	Toomer
Bradford	Hill	Pinson	Walton
Carlton	Hornsby	Shaver	

—22

*Nays:*

Messrs.:	Dodson	Madison	St. John (Lawrence)
Cater	Henderson	St. John (Cullman)	Smith
Cobb	Kilborn		

—9

Mr. Kilborn also offered the following amendment to the bill, to-wit:

Amend H. B. 66, Section 4 after the word "Council" by inserting before the word "shall" the words "elected from each house"

And on motion of Mr. Simpson, said amendment was laid on the table.

Yeas, 23; Nays, 8.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver
Benson	Espy	Jones	Sherrer
Bentley	Garrett	Kelly	Simpson
Black	Goodwin	Lawson	Taylor
Bradford	High	Madison	Toomer
Carlton	Hill	Pinson	Walton

—23

*Nays:*

Messrs.:	Henderson	McCary	St. John (Lawrence)
Cobb	Kilborn	St. John (Cullman)	Smith
Dodson			

—8

Mr. St. John (Lawrence) offered the following amendment to the bill, to-wit:

To amend House Bill 66 by adding Section 13 thereof to said bill, to read as follows:

"Section 13. That the War Emergency Council is hereby authorized to levy taxes to provide funds to carry out the functions of said Council when all surplus funds are exhausted."

And on motion of Mr. Shaver, said amendment was laid on the table.

Mr. St. John (Lawrence) offered the following amendment to the bill, to-wit:

To amend House Bill 66 by striking out section one of said bill and inserting in lieu thereof:

Section 1. There is hereby created a War Emergency Council to consist of the Governor, as Chairman, and 35 members of the Senate and 105 members of the House of Representatives.

And on motion of Mr. Carlton, said amendment was laid on the table.

Mr. Walton offered the following amendment to the bill, to-wit:

Amend Sec. 8, H. B. 66 as follows:

Add at the end of Section 8 the following sentence:

"The Secretary of the Council shall prepare and file with the Clerk of the House and the Secretary of the Senate a printed copy of the full and complete minutes of all the proceedings of the Council upon the convening of the Legislature of Alabama in 1945. Said report to be signed by each member of the Council."

Which was adopted.

Yeas, 29; Nays, 0.

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Benson	Garrett	Lawson	Shaver	
Bentley	Goodwin	Madison	Sherrer	
Bradford	High	McCary	Simpson	
Carlton	Hill	Newton	Smith	
Cater	Hornsby	Pinson	Toomer	
Cobb	Jones	St. John (Cullman)	Walton	
Dodson	Kelly			—29
Nays:				—0

Mr. Smith offered the following amendment to the bill, to-wit:

Amend House Bill 66 by striking therefrom Section 6 and adding in lieu thereof section 6 to read as follows:

Section 6. For what purpose fund may be used. Any and all funds appropriated by the Legislature of Alabama to the War Emergency Council may be used to the amount necessary to meet contingencies and emergencies arising from bombings, invasions, or other acts of war, riots, insurrections, epidemics of disease, acts of God, resulting in damage or disaster to the words, buildings, or property of any considerable number of persons in any community of the State of Alabama and for which no other funds are appropriated, or for which the appropriation was insufficient to meet the emergency.

And on motion of Mr. Simpson, said amendment was laid on the table.

Yeas, 22; Nays, 7.

Yeas:

Messrs.:	Cater	Hornsby	Sherrer
Benson	Espy	Kelly	Simpson
Bentley	Garrett	Lawson	Taylor
Black	Goodwin	McCary	Toomer
Bradford	High	Pinson	Walton
Carlton	Hill	Shaver	

—22



*Nays:*

Messrs.:	Dodson	Madison	St. John (Lawrence)
Cobb	Kilborn	St. John (Cullman)	Smith

—7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 8.

*Yeas:*

Messrs.:	Espy	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bentley	Goodwin	Lawson	Simpson
Black	High	Madison	Taylor
Bradford	Hill	McCary	Toomer
Carlton	Hornsby	Pinson	Walton
Cater			

—24

*Nays:*

Messrs.:	Henderson	Newton	St. John (Lawrence)
Cobb	Kilborn	St. John (Cullman)	Smith
Dodson			

—8

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House Amendment to the bill:

S. 105. To amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Dobbs of Elmore:

H. 375. To amend Section 347, Title 26, 1940 Code of Alabama.

Also:

By Mr. Haris:

H. 524. To repeal Section 271 of Title 28 of the Code of Alabama, 1940.

Also:

By Mr. Pill:

H. 297. For the relief of the First Federal Savings and Loan Association of Montgomery, Alabama, and to appropriate for the said First Federal Savings and Loan Association the sum of \$817.01, said sum being a refund to the said First Federal Savings and Loan Association of excise taxes erroneously paid by said Association to the State of Alabama for the calendar years 1935, 1936 and 1937.

And ordered same sent forthwith to the Seante without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 375, to the Committee on Public Welfare and Correctional Institutions.

H. 524, to the Committee on Insurance.

H. 297, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

She House has originated and passed the following bills:

By Mr. Hodo:

H. 413. To amend Section 820, Title 51, Code of Alabama of 1940.

Also:

By Mr. Hodo:

H. 364. To amend Section 385 of Title 51 of the Code of Alabama of 1940 to allow as a deduction in the computation of net income for income tax purposes certain non-trade and non-business expenses.

Also:

By Mr. Eddins:

H. 180. To amend Section 99 of Title 8 of the Code of Alabama of 1940.

Also:

By Mr. Eddins:

H. 181. To Amend Section 101 of Title 8 of the Code of Alabama of 1940.

Also:

By Mr. Eddins:

H. 182. To Amend Section 102 of Title 8 of the Code of Alabama of 1940.

Also:

By Mr. Eddins:

H. 222. To Amend Section 204 of Title 8 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Seante without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 413, to the Committee on Insurance.

H. 364, to the Committee on Finance and Taxation.

House bills 180, 181, 182 and 222, to the Committee on Forestry and Conservation.

#### ORDER TO PRINT

On motion of Mr. Hill, 500 copies of the substitute for the bill S. 341, were ordered printed for the use of the Senate.

#### RECESS

At 12:45 P. M., on motion of Mr. Carlton, the Senate took a recess until 2:30 this afternoon.

## FORTY-THIRD DAY—AFTERNOON SESSION

Tuesday, June 15, 1943

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Ellis, presiding.

## ROLL CALL

## Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Toomer
Dodson	Jones	St. John (Cullman)	Walton

—31

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. McCary:

S. 375. To amend Section 94, Title 17, of the Code of Alabama, 1940.

Committee on Municipalities and Municipal Organizations.

By Mr. Simpson:

S. 376. To amend Sections 6 to 27 of Title 43 inclusive of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Cobb:

S. 377. To propose an amendment to the Constitution of Alabama relating to the time of the convention of the legislature; the length of sessions of the legislature, and the compensation and travel allowance of members of the legislature.

Committee on Constitution and Constitutional Revision and Amendments.

The above bill was read one time at length as required by the Constitution.

By Mr. Cobb:

S. 378. To provide for Teaching Spelling and Teaching Arithmetic in the High Schools of Alabama, and penalties for violating provisions of this Act.

Committee on Education.

By Mr. Shaver :

S. 379. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

Committee on Education.

#### REPORTS OF COMMITTEES

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit :

By Mr. Madison :

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand and not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds ; to provide for the raising of such funds and the sources thereof ; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds ; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty ; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty ; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen ; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol

Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

#### CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 62. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

Was taken up.

Mr. Hill offered the following amendment to the bill, to-wit: Amend House Bill 62, Section 7, by striking therefrom the words: "September 30, 1943,"

Which was adopted.

Yeas 26; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Sherrer	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Smith	
Carlton	Hornsby	Newton	Taylor	
Dodson	Jones	St. John (Cullman)	Walton	
Espy	Kelly	St. John (Lawrence)		—26

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Lawson	Shaver	
Bentley	Henderson	Madison	Sherrer	
Black	High	McCary	Simpson	
Bradford	Hill	Newton	Smith	
Carlton	Hornsby	St. John (Cullman)	Taylor	
Dodson	Kelly	St. John (Lawrence)	Walton	
Espy	Kilborn			—25

*Nays:* —0

The bill:

H. 87. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

Was taken up.

Mr. Hill offered the following amendment to the bill, to-wit: .

Amend H. B. 87 by striking therefrom the first sentence of Section 3 and inserting in lieu thereof the following:

Section 3. For the purpose of relieving want, destitution, and distress among the people of Alabama resulting from unemployment during periods of economic emergency, through the purchase of public improvement assessment bonds or of revenue bonds issued by authorized cities, counties, school districts, public corporations or other bodies politic, there is hereby authorized to be created the Alabama Emergency Finance Corporation.

Which was adopted.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	Shaver
Bentley	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cobb	Hornsby	Newton	Toomer
Dodson	Jones	St. John (Lawrence)	Walton
Espy			

—28

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 3.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hill	Newton	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Jones		

—25

*Nays:* Messrs.: Henderson, St. John (Lawrence) and Smith

—3

The bill:

H. 434. To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; and to appropriate sufficient funds for the salaries of such civilian guards.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.



*Yeas:*

Messrs.:	Espy	Kelly	Sherrer	
Bentley	Garrett	Kilborn	Simpson	
Black	Henderson	Madison	Smith	
Bradford	High	McCary	Taylor	
Carlton	Hill	St. John (Cullman)	Toomer	
Cobb	Hornsby	St. John (Lawrence)	Walton	
Dodson	Jones	Shaver		—26

*Nays:*

—0

The bill:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)	
Bentley	Henderson	Lawson	Shaver	
Black	Hornsby	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Dodson	Jones	St. John (Cullman)	Toomer	
Espy	Kelly			—25

*Nays:*

—0

Yeas, 25 Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)	
Bentley	Henderson	Lawson	Shaver	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Smith	
Carlton	Hornsby	Newton	Toomer	
Dodson	Jones	St. John (Cullman)	Walton	
Espy	Kelly			—25

*Nays:*

—0

The bill:

H. 269. To confer emergency war powers upon the Governor of the State of Alabama for the duration of the war in which the United States is now engaged.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Black	High	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Newton	Toomer
Dodson	Jones	St. John (Cullman)	Walton
Espy	Kelly		

—25

*Nays:*

—0

The bill:

H. 406. To amend Section 16, Title 51, of the Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Jones	Newton
Bentley	Goodwin	Kelly	St. John (Cullman)
Black	Henderson	Kilborn	Shaver
Carlton	High	Lawson	Simpson
Cobb	Hill	Madison	Taylor
Dodson	Hornsby	McCary	Toomer
Espy			

—24

*Nays:*

—0

The bill:

H. 389. To provide for a commission to be appointed from the Legislature for the purpose of having made an actuarial study, and having prepared a retirement plan for State employees, and to appropriate the sum of forty-five hundred dollars to pay the cost thereof.

Was read a third time at length and passed.

Yeas, 27; Nays, 1.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cobb	Hornsby	Pinson	Toomer
Dodson	Jones	St. John (Cullman)	Walton

—27

*Nay:* Mr. Newton

—1

The bill:

H. 63. To repeal Sections 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Madison	Sherrer
Bradford	Henderson	McCary	Simpson
Carlton	High	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Jones		

—25

Nays:

—0

The bill:

H. 329. To appropriate moneys for the retirement of the public debt of the State of Alabama, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the payment of principal on Harbor Improvement Bonds, as they severally mature, for each of the fiscal years ending September 30, 1944 and September 30, 1945.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit:

Amend Sec. 1 of H. B. 329 by striking the figures "\$100,000.00" where the same occur therein and inserting in lieu thereof the figures \$150,000.00

and by striking the figures "\$150,000" where they occur in the original of said bill and inserting in lieu thereof the figures \$500,000.00

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Henderson	Madison	Shaver
Bentley	High	McCary	Sherrer
Bradford	Hornsby	Newton	Simpson
Carlton	Jones	Pinson	Smith
Dodson	Kelly	St. John (Cullman)	Toomer
Espy	Kilborn	St. John (Lawrence)	Walton
Goodwin	Lawson		

—25

Nays:

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Lawson	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	McCary	Toomer	
Dodson	Hornsby	Pinson	Walton	
Espy	Kelly	St. John (Cullman)		—22

*Nays:*

—0

Mr. Kilborn moved that the Senate do now adjourn, which motion was lost.

Yeas, 7; Nays, 19.

*Yeas:*

Messrs.:	Black	Kilborn	Smith	
Bentley	Cater	Madison	Walton	—7

*Nays:*

Messrs.:	Espy	Hill	Pinson	
Bradford	Garrett	Hornsby	St. John (Cullman)	
Carlton	Goodwin	Kelly	St. John (Lawrence)	
Cobb	Henderson	Lawson	Shaver	
Dodson	High	McCary	Simpson	—19

#### RULES ON THIRD READING

The bill:

H. 592. To validate the unfunded indebtedness of the Crenshaw County Board of Education and to provide for the payment of said indebtedness.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Lawson	Sherrer	
Bentley	Dodson	Madison	Simpson	
Black	Espy	McCary	Smith	
Bradford	Jones	St. John (Cullman)	Taylor	
Carlton	Kelly	St. John (Lawrence)	Toomer	
Cater	Kilborn	Shaver	Walton	—23

*Nays:*

—0

The bill:

H. 591. To repeal an Act entitled "An Act to require the Court of County Commissioners, County Treasurer and County Depository of Crenshaw County, Alabama to set aside each year out of the general fund of the County twenty-five per cent of the amount received by said general fund each year, and which said twenty-five per cent shall be paid to the holders and owners of warrants now outstanding against said general fund in the order of their registration and in the priority of their payment".

Was read a third time and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	<b>Lawson</b>	Sherrer
Bentley	Dodson	Madison	Simpson
Black	Espy	McCary	Smith
Bradford	Jones	St. John (Cullman)	Taylor
Carlton	Kelly	St. John (Lawrence)	Toomer
Cater	Kilborn	Shaver	Walton

—23

Nays:

—0

The bill:

H. 625. To amend section 1 of An Act approved September 7, 1935, entitled "An Act to amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9-½ of an Act entitled 'An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct, No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empan-eling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor,' approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9-½ therefrom."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Bentley	Garrett	McCary	Sherrer
Black	High	Newton	Simpson
Bradford	Hill	Pinson	Smith
Cobb	Jones	St. John (Cullman)	Taylor
Dodson	Kelly	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 586. To amend Section 2 of an act entitled "An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama, adopted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Bentley	Garrett	McCary	Sherrer
Black	High	Newton	Simpson
Bradford	Hill	Pinson	Smith
Cobb	Jones	St. John (Cullman)	Taylor
Dodson	Kilborn	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 657. To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require

said officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Pinson	
Benson	Cobb	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	Henderson	McCary	Smith	
Carlton	High	Newton	Taylor	
				—23

*Nays:* —0

The bill:

H. 444. Relating To Judicial Notice Of Ordinances Of Cities Which May Now Or Hereafter Have A Population Of Two Hundred Thousand Or More People According To The Last Or Any Succeeding Federal Census.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Goodwin	Madison	Sherrer	
Black	Henderson	McCary	Simpson	
Bradford	High	Newton	Smith	
Carlton	Hill	Pinson	Taylor	
Cater				—23

*Nays:* —0

The bill:

H. 659. To repeal an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies, or resigns, approved March 31, 1936.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	St. John (Cullman)
Bentley	Dodson	Kelly	St. John (Lawrence)
Black	Espy	Kilborn	Shaver
Bradford	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Simpson

—23

*Nays:*

—0

The bill:

H. 663. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	St. John (Cullman)
Bentley	Dodson	Kelly	St. John (Lawrence)
Black	Espy	Kilborn	Shaver
Bradford	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Simpson

—23

*Nays:*

—0

The bill:

H. 616. To Amend Section One of a Local Act of the Legislature of Alabama, approved, April 16, 1936, Entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.



## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Hill, further consideration of the bill: S. 2, was indefinitely postponed by the Senate.

## RESOLUTIONS

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 55. BE IT RESOLVED that the Senate do now consider Local Bills and thereafter Senate Bills as they appear on the Calendar until same are disposed of.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Dodson	Kelly	Shaver
Black	Goodwin	McCary	Sherrer
Bradford	Henderson	Newton	Simpson
Carlton	High	Pinson	Smith

—23

*Nays:*

—0

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Hill, further consideration of the bill: S. 3, was indefinitely postponed by the Senate.

## NOTICE TO AMEND RULES

Mr. Walton offered the following notice:

I hereby give notice that on the next legislative day, I will make a motion to modify or amend Rule 22 of the Senate of the State of Alabama, to provide that a motion to make any Bill on the calendar a special order may be by a majority vote of the Senate made a special, paramount and continuing order, without the necessity of having said motion for a special order first referred to and reported from the Committee on Rules.

This the 15th day of June, 1943.

Will O. Walton,  
Senator, Ninth District.

Which was read and ordered spread upon the Journal.

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Bentley, further consideration of the bill: S. 96, was indefinitely postponed by the Senate.

## BILLS ON THIRD READING RESUMED

The bill:

S. 32. To amend Section 238 of Title 51 of the Code of Alabama of 1940.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit: To amend Section one of Senate Bill 32 by adding immediately following the words "National Guard" where they first appear therein the following:

"Alabama State Guard"

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Cullman)
Bentley	Garrett	Lawson	St. John (Lawrence)
Black	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton
Dodson	Kelly		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Cullman)
Bentley	Espy	Kilborn	St. John (Lawrence)
Black	Garrett	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Toomer
Cater	Hornsby	Pinson	Walton
Cobb			

—24

*Nays:*

—0

The bill:

S. 99. To Amend Section 40 of Title 61 of the Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Sherrer
Bentley	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Smith
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson	Kelly		

—21

*Nays:*

—0

The bill:

S. 215. To authorize the State of Alabama, its agencies, institutions, boards, bureaus and commissions, counties, municipalities and school boards to invest surplus funds in bonds or direct obligations of the United States of America, to provide for application to the Department of Finance for authority to make such investment and type and amounts of obligations to be purchased.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 215 by inserting after the word "municipalities" in the caption the words "public corporations, municipal utility boards";

Further amend S. B. 215, Section One, by adding after the word "municipalities" the words "municipal utility boards".

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Bradford	Henderson	Madison	Sherrer
Carlton	High	McCary	Simpson
Cater	Hill	Pinson	Smith
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson			

—25

*Nays:*

—0

Mr. Smith offered the following amendment to the bill, to-wit:  
 To amend S. B. 215 by amending the title thereof by adding after the words surplus funds in the title thereof the following: "including sinking funds and any other funds on hand which can not be used at the time on account of the national emergency now existing or for any other legal reason," and by amending Section one of said bill by adding after the words sinking funds in said paragraph the following: "and any other funds on hand which can not be used at the time on account of the National emergency now existing or for any other legal reason,"

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Madison	Shaver
Bentley	Henderson	McCary	Sherrer
Bradford	Hill	Newton	Simpson
Cater	Hornsby	Pinson	Smith
Cobb	Kelly	St. John (Cullman)	Toomer
Dodson	Kilborn	St. John (Lawrence)	Walton
Espy	Lawson		

—25

*Nays:*

—0

Mr. Madison offered the fololwing amendment to the bill, to-wit:  
 Amend S. B. 215 by adding at the end of Section 2 thereof, the following:

"Provided that nothing in this act shall be construed to require county or municipal governments to apply to or obtain the approval of the State Department of Finance to invest any of their surplus funds in obligations of the United States of America."

Which was adopted.

Yeas, 17; Nays, 9.

*Yeas:*

Messrs.:	Dodson	Lawson	St. John (Lawrence)
Black	Garrett	Madison	Sherrer
Bradford	Henderson	Newton	Smith
Cater	High	St. John (Cullman)	Walton
Cobb	Hornsby		

—17

*Nays:*

Messrs.:	Hill	McCary	Simpson
Bentley	Kelly	Sherrer	Toomer
Carlton	Kilborn		

—9

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 1.

*Yeas:*

Messrs.:	Cobb	Hill	St. John (Cullman)
Bentley	Dodson	Hornsby	St. John (Lawrence)
Black	Espy	Kilborn	Shaver
Bradford	Garrett	Madison	Sherrer
Carlton	Henderson	McCary	Toomer
Cater	High	Newton	Walton

—23

*Nay:* Mr. Simpson

—1

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-third day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the forty-third day approved by the Senate.

#### ADJOURNMENT

At 5 P. M., on motion of Mr. St. John (Lawrence) the Senate adjourned until tomorrow, Wednesday, June 15, 1943, at 9 o'clock A. M.

## FORTY-FOURTH DAY

Wednesday, June 16, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

## PRAYER

The session was opened with prayer by Rev. Hoyt M. Ayers, Clayton Street Baptist Church, Montgomery.

## ROLL CALL

## Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hill	Newton	Toomer
Cater	Hornsby	Pinson	Smith
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

—32

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Espy:

S. 380. To Amend an Act known as Senate Bill No. 159 (House No. 160) Approved March 15, 1939, creating the office of Clerk of The Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by Providing Additional Compensation for said Clerk for performing such duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that there will be introduced for passage at the present session of the Legislature of Alabama a local bill providing in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To Amend an Act Known as Senate Bill No. 159 (House No. 160) Approved March 15, 1939, creating the Office of Clerk of the Court Common Pleas of Dothan, Alabama, by adding Additional Duties and Authority for the Clerk and by Providing Additional Compensation for said Clerk for performing such duties.

That an Act known as Senate Bill No. 159 (House No. 160) passed by the Legislature of Alabama and approved on March 15, 1939, creating the office of Clerk of the Court of Common Pleas, of Dothan, Alabama be and is hereby amended by adding thereto Sections 8, 9, and 10, as follows:

Section 8. The Clerk of said Court, in addition to other duties and authority imposed on him herein, shall have the same authority as is now granted to the Judge of said Court to take affidavits and issue warrants of arrest and commitments thereon, and for such services the same fees shall be taxed and collected as are taxed and collected when such services are performed by the Judge of said Court; and for performing such additional services the Clerk of said Court shall be entitled to receive the fees collected therefor in addition to other compensation which he is now receiving.

Section 9. Provided that all warrants of arrest issued by the said Clerk must first be approved as to form by a State or County Solicitor.

Section 10. This Act shall become effective immediately upon its approval by the Governor.  
M 20-27, J 3-10.

## PUBLISHER'S AFFIDAVIT, THE HOUSTON HERALD

STATE OF ALABAMA,  
HOUSTON COUNTY.

Personally appeared before the undersigned, a Notary Public in and for said county and state, L. S. Deal, Editor Publisher of The Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, who deposes and says on oath that a copy of the attached advertisement appeared once a week for four consecutive weeks on the following dates May 20, 27; June 3, 10, 1943, in The Houston Herald.

Signed L. S. DEAL,  
Editor-Publisher The Houston Herald.

Sworn to and subscribed before me this the 11 day of June, 1943.

MAUDE BAUGHMAN,  
Notary Public.

By Mr. Espy:

S. 381. To amend an Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923.

establishing an inferior court in precinct 3 Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama; by adding thereto Section XVI and Section XVII in words and figures as follows:

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that there will be introduced for passage at the present session of the Legislature of Alabama a local bill providing in substance as follows:

"A BILL TO BE ENTITLED AN ACT To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3 Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama; by adding thereto Section XVI and Section XVII in words and figures as follows:

Section XVI. In all criminal cases in said court where the case is not pressed, or where the defendant is discharged, or where the defendant is sentenced to jail and does not pay the costs, the Sheriff of Houston County, Alabama shall be entitled to receive the same fees due to him in like cases in the Circuit Court for arrests, jail fees, approving bonds and serving subpoenas; and said fees shall be paid to him out of the Inferior Court Fund of Houston County, Alabama on a warrant to be drawn by the Judge of Probate of Houston County, Alabama on said fund on proper proof by the Sheriff that he has performed such services. It shall be considered proper proof when the Sheriff submits to the Judge of Probate an itemized sworn statement of such fees.

Section XVII. This Act shall become effective immediately upon its approval by the Governor."

PUBLISHER'S AFFIDAVIT, THE HOUSTON HERALD

STATE OF ALABAMA,  
HOUSTON COUNTY,

Personally appeared before the undersigned, a Notary Public in and for said county and state L. S. Deal, Editor Publisher of The Houston Herald, a newspaper published at Dothan, in Houston County, Alabama, who deposes and says on oath that a copy of the attached achievement appeared once a week for four consecutive weeks on the following dates May 20-27; June 3-10, 1943, in The Houston Herald.

(Signed) L. S. DEAL,  
Editor-Publisher,

Sworn to and subscribed before me this the 11 day of June, 1943.

MAUDE BAUGHMAN,  
Notary Public.



By Mr. Bentley:

S. 382. To amend Section 4 of An Act Entitled "An Act to authorize the sale of real property, live stock, equipment, and farm produce owned by the State of Alabama at farms now designated demonstration farms, and located at or near those high schools formerly known as State Secondary Agricultural Schools of Alabama, under provisions of Act to provide for the establishment of a demonstration farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farm, to authorize and empower County Boards of Revenue or county Commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control, approved August 30, 1927; to designate the Director of Finance of the State as agent for the State in effecting such sales, and to provide the manner and method of making the same, to provide for meeting the expenses incurred in effecting such sales, to provide for the disposition of funds accruing from such sales and any other funds in the hands of the demonstration farm treasurer at the time of its sale, to provide for the operation of any or all such demonstration farms until the same are sold; to authorize the State Board of Education to retain for school purposes any land now a part of any of said demonstration farms."

Committee on Finance and Taxation.

By Mr. St. John (Lawrence):

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the State in addition to that appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculois Sanatorium in Morgan County, Alabama, with water.

Committee on Finance and Taxation.

By Mr. Pinson:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

Committee on Finance and Taxation.

By Mr. Walton:

S. 385. To provide for the continuance of cases in criminal courts where a material witness is a member of the armed forces of the United States and the testimony is not admitted upon a proper showing.

Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pill:

H. 510. To amend the following Sections of Chapter 2 of Title 46 of the 1940 Code of Alabama, viz: Sections 8, 9, 13, 14, 15 and 19.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Elrod (with notice and proof):

H. 669. To abolish the office of Deputy Solicitor of Blount County, and to create in lieu thereof the office of County Solicitor of Blount County; to provide for said County Solicitor and for his election; and prescribe his term of office, power, duties, jurisdiction and compensation.

By Mr. Thomas (with notice and proof):

H. 689. To authorize the Board of Revenue of Montgomery County to accept the deposit by any incorporated or national bank doing business in the City of Montgomery, acting as depository of the funds and revenue of the county, of bonds of the United States of America, of the State of Alabama, or of any county or municipality of the State, in lieu of any bond or bonds now required by law for the safe keeping of such funds or revenue.

By Mr. Coburn (with notice and proof):

H. 676. To repeal an act entitled "An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act," approved March 8, 1933.

By Mr. Garrett (with notice and proof):

S. 374. To amend Section 3 and 5 of an Act entitled "An Act to create the office of County Solicitor for Baldwin County, Alabama, to provide the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

By Mr. McCurdy (with notice and proof):

H. 687. To amend Section 1 of an Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1927, page 41, of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor of Escambia County, Alabama, and provide for the manner of payment of the same."

By Mr. McCurdy (with notice and proof):

H. 686. To abolish the Court of County Commissioners of Escambia County, Alabama; To establish "The Board of Revenue of Escambia County, Ala.," composed of Five (5) Members; in lieu of the Court of County Commissioners of said county as now constituted; to designate and name the members of said Board of Revenue for the present and until their successors are elected and qualified; to require the Judge of Probate of said County to be the chairman of said Board of Revenue; to provide for the election of the other four (4) members of said Board; to fix the terms of office of the members of said Board; to prescribe the qualifications of the members of said Board; to divide said county into four (4) districts; to make said Districts and the boundaries thereof the same as they are now established by law; to require that one each of said four members of said Board shall be elected from and represent one of said four (4) districts; to prescribe and fix the terms and sessions of said Board and a quorum thereof; to prescribe, fix and limit the powers, jurisdiction and duties of said Board of Revenue, the members of said Board and the chairman and clerk thereof; to provide for a clerk of said Board and his compensation; to provide that all general and local laws which now apply to and govern the Court of County Commissioners of said County shall apply to and govern said Board of Revenue; to provide that all general laws which may hereafter apply and govern Courts of County Commissioners in this State shall apply to and govern said Board of Revenue; to provide for and fix the amount and compensation of the members of said Board; To provide for the filling of all vacancies on said Board of Revenue.

By Mr. Walker (with notice and proof):

H. 688. To amend Sections 2 and 3 of an Act entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

By Mr. Redd (with notice and proof):

H. 692. To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed, one percent for assessing taxes, and one percent for collecting taxes.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Smyer:

H. 530. To provide for appeals to the circuit court in counties having a population of 400,000 or more according to the last or any subsequent Federal census, from decisions of the Board of Equalization in such counties; and to provide for the proceedings and procedure in the circuit court, on such appeals.

Also:

By Messrs. Rains and Allen:

H. 715. To provide that all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, shall be known as Class "D" Cities; to provide the name by which the chief executive officer of each of such cities shall be known; and to provide that the chief executive officer of each of such cities shall be authorized and empowered to perform services for any agency or board of such city in addition to the duties required of him as such chief executive officer.

Also:

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo and Snyder:

H. 640. To amend Section 27, Title 17, Code of Alabama of 1940.

Also:

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo, and Snyder:

H. 639. To amend Section 26, Title 17, Code of Alabama of 1940.

Also:

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo, and Snyder:

H. 641. To apply only to employees who are subject to the provisions of Chapter 12 (Sections 133 to 159, inclusive) of the 1940 Code of Alabama; and to provide that in the event (a) an employee resigns from a position for the purpose of becoming a candidate for nomination or election to a public office, and (b) within the six month period next succeeding the day of his resignation he is reinstated to the eligible list for said position, and (c) thereafter and still within the six month period next succeeding the day of his resignation he is reappointed to said position, and (d) the position has not been filled between the day of his resignation and the day of his reappointment—then, the employee shall be considered for all purposes as having been on leave of absence during the period of time between the day of his resignation and the day of his reappointment; and to further provide that this Act shall apply both retrospectively as well as prospectively, except, however, that in so far as this Act will operate to increase the rate of pay of any present employee, such increased rate of pay shall commence only on the day on which this Act becomes a law.

Also:

By Mr. Snyder:

H. 716. To further regulate the method of summoning jurors in all counties of the State of Alabama now having a population of 300,000 or more, according to the last or any subsequent Federal census, to provide for either summoning jurors by registered mail or personal service by the sheriff of such counties.

Also:

By Messrs. Snyder, Hodo, Gwin, Edwards, Chichester, Smyer and Sessions:

H. 721. To Amend and Re-enact General Act No. 502 of the Session of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, Page 663), approved September 29, 1923, as heretofore amended by General Act No. 574 of the Regular Session of the Legislature of Alabama of 1939 (General Acts of Alabama of 1939, Regular Session, Page 926), approved September 19, 1939; To provide, that all books, files, papers, and records

of every kind and description and all funds, assets and property of every description now held, owned, controlled or possessed by such city for the benefit of its said policemen's pension and relief fund, or now credited to such fund, under any law, local or general, which is repealed by this act, be transferred to the policemen's pension and relief fund (of such city) as herein authorized, subject to the rights and remedies which members and beneficiaries had under such pension law repealed by the provisions of this act, and that all of said rights and remedies shall apply to the policemen's pension and relief fund, provided for such city under the terms of this act; To provide that all laws and parts of laws, both general and local, in conflict with the provisions of this act be and the same are hereby repealed; To provide that this act, upon its approval by the Governor, shall be operative and effective from and after the beginning of the 31st day of May, 1941; and to provide that if any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Also:

By Mr. Segrest:

H.680. To prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that the following Local Act for Macon County, Alabama, will be introduced for immediate passage in the present Session of the Legislature of Alabama:

#### A BILL TO BE ENTITLED AN ACT

To prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The salary of the Chief Deputy Sheriff of Macon County, Alabama, shall be in the sum of eighteen hundred dollars per annum, the same to be paid in equal monthly installments out of the treasury of said County, upon the warrant of the Board of Revenue or other governing body of said County.

Section 2. That all laws and parts of laws in conflict herewith are hereby expressly repealed, and this Act shall be of force and effect from and after its passage and approval by the Governor.

5-13—4t.

Macon County Board of Revenue.

STATE OF ALABAMA,  
MACON COUNTY.

Before me, a notary public in and for said county and state, personally appeared Hal Fisher, who deposeth and sayeth that he is the publisher of THE TUSKEGEE NEWS, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows: May 13, 1943; May 20, 1943; May 27, 1943; June 3, 1943.

(Signed) HAL FISHER,  
Publisher.

Sworn to and subscribed before me this 7th day of June, 1943.

(SEAL)

FLORIDA BROWARD SEGREST,  
Notary Public.

My Commission Expires November 5, 1945.

Also:

By Mr. Segreest:

H. 681. To authorize the Board of Revenue of Macon County, Alabama, to provide for an Additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that the following Local Act for Macon County, Alabama, will be introduced for immediate passage in the present Session of the Legislature of Alabama:

#### A BILL TO BE ENTITLED AN ACT

To authorize the Board of Revenue of Macon County, Alabama to provide for an Additional Deputy Sheriff ;to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties.

Be It Enacted By The Legislature Of Alabama.

Section 1: That the Board of Revenue of Macon County, Alabama, is hereby authorized to provide an additional Deputy Sheriff to serve at the will of the Board of Revenue; that the Board of Revenue can provide for his salary, which shall not exceed fifteen hundred dollars per annum, payable

in equal monthly installments out of the General Funds of Macon County; that the Sheriff may appoint such Deputy with approval of the Board of Revenue, and said Deputy Sheriff shall perform duties anywhere in said County.

Section 2: The salary shall be paid from the County Treasury of said County upon warrant of the Board of Revenue.

Section 3: This Act shall be in force and effect from and after its passage and approval by the Governor. 5-13-4t

Macon County Board of Revenue.

STATE OF ALABAMA,  
MACON COUNTY.

Before me, a notary public in and for said county and state, personally appeared Hal Fisher, who deposeth and sayeth that he is the publisher of THE TUSKEGEE NEWS, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks as follows: May 13, 1943; May 20, 1943; May 27, 1943; June 3, 1943.

Signed: HAL FISHER,  
Publisher.

Sworn to and subscribed before me this 7th day of June, 1943.

FLORIDA BROWARD SEGREST,

(Seal)

Notary Public.

My Commission Expires November 5, 1945.

Also:

By Messrs. Cole and Gullatt:

H. 701. To authorize and require the County Commission of Russell County, Alabama, to pay \$12,000 out of the General Fund into the Fine and Forfeiture Fund of said County at the rate of not less than \$1,000 per annum, to replace funds heretofore transferred from the Fine and Forfeiture Fund of said County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of the intention to apply to the present session of the Alabama Legislature for the introduction and passage of a local bill for Russell County, Alabama, in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and require the County Commission of Russell County, Alabama, to pay \$12,000 out of the General Fund into the Fine and Forfeiture Fund of said County at the rate of not less than \$1,000 per annum, to replace funds heretofore transferred from the Fine and Forfeiture Fund of said County.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the County Commission of Russell County, Alabama, be and it is hereby authorized and directed to pay out of the General Fund



of said County the sum of \$12,000 into the Fine and Forfeiture Fund of said County, by the payment of not less than \$1,000 per annum, to replace funds heretofore withdrawn by said County Commission from the Fine and Forfeiture Fund.

Section 2. That all laws and parts of laws in conflict herewith be and they are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF ALABAMA,  
RUSSELL COUNTY.

Before me, a Notary Public, in and for said County, in said State, personally appeared Isabel A. Moses, who being known to me, after first having been duly sworn, deposes and says;

That she is the Publisher of the Phenix-Girard Journal a newspaper published in Phenix City, Russell County, Alabama, and having a general circulation in said County and that the attached notice of the intention to apply for the passage of a local law affecting said Russell County was published in said newspaper once a week for four consecutive weeks in its issues of May 14, May 21, May 28 and June 4, 1943; that said newspaper was printed in part and published in Russell County, Alabama, and is printed in the English language and has a general circulation in said County of Russell in which it is published and said newspaper has been mailed under the second class mailing privileges of the United States Post-Office in Phenix City, Alabama, where it is published, for Fifty-two weeks prior to the first publication of said notice in said newspaper.

ISABEL A. MOSES,

Sworn to and subscribed before me this the 7th day of June, 1943.

(SEAL)

ISAAC J. MOSES,

Notary Public, Russell County, Alabama.

R. T. Goodwyn, Jr.,

Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 715, to the Committee on Municipalities and Municipal Organizations.

House bills 530, 640, 639, 641, 716, 721, 680, 681 and 701, to the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Eddins:

H. 179. To Amend Section 98 of Title 8 of the Code of Alabama of 1940.

By Mr. Smyer:

H. 440. To amend Section 481, Title 51, of the Code of Alabama of 1940.

By Mr. Fite:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction in cases at law and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 179, to the Committee on Forestry and Conservation.

H. 440, to the Committee on Finance and Taxation.

H. 76, to the Committee on Judiciary.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills, respectively, and finds same correctly enrolled, to-wit:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$12,000.00 per annum for purposes not otherwise provided for by law.

Also:

S. 185. To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

Also:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the manner in which it shall be paid.

Also:

S. 105. To Amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Sam High,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

### RESOLUTIONS

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 56. BE IT RESOLVED by the Senate that so as to make definite the procedure in the Senate for the current week that the Senate do now declare its purpose to meet and consider bills on the morning of Wednesday, June 16, and have committee meetings on the afternoon of Wednesday, June 16; that it consider bills during the entire Legislative day on Thursday and Friday of this week.

Which was adopted.

Mr. Toomer offered the following Senate joint resolution, to-wit:

S. J. R. 57. A RESOLUTION AUTHORIZING APPOINTMENT BY THE GOVERNOR OF AN ALABAMA CRIME COMMISSION TO MAKE A SURVEY OF THE STATE'S SYSTEMS OF LAW ENFORCEMENT AND TO MAKE RECOMMENDATIONS FOR IMPROVEMENT OF SAME.

WHEREAS, the crime problem is of tremendous importance to the economic and moral welfare of the people of Alabama, and

WHEREAS, the economic burden continues to increase from year to year, and

WHEREAS, a modern and efficient system of law enforcement serves as a deterrent to crime, and

WHEREAS, Alabama has taken certain progressive steps in recent years toward the solution of the crime problem in this State, and

WHEREAS, postwar conditions inevitably result in a greater crime potential;

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Governor of Alabama is hereby empowered and directed to appoint a commission of not more than eleven or less than seven members, to be known as the Alabama Crime Commission, whose duty shall be to conduct a comprehensive survey of the Alabama system of criminal law enforcement, and to make recommendations to the Governor from time to time and to the 1945 Session of the Legislature for the improvement of same;

That the Attorney-General of Alabama, or his designated assistant, shall serve as secretary of the Commission; and

That the Governor of Alabama may at his discretion use any available state funds to further the activities of this commission.

And on motion of Mr. Toomer, the rules were suspended and the resolution adopted.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Kilborn, further consideration of the bill, S. 89, was indefinitely postponed by the Senate.

#### NOTICE TO AMEND RULES POSTPONED

Mr. Walton postponed notice given on yesterday to amend Rule 22 of the Senate, until the next day.

#### BILLS ON THIRD READING

The bill:

S. 67. To provide uniform regulations governing the payment of incidental costs incurred in the sale, refunding or exchange of bonds, warrants, revenue obligations or other evidences of indebtedness of the State, Counties, Municipalities, and other agencies and instrumentalities and institutions of the State, the Counties and Municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bentley	Henderson	Madison	Simpson
Black	High	Newton	Smith
Bradford	Hornsby	Pinson	Toomer
Dodson	Jones	St. John (Cullman)	Walton
Espy	Kelly		

—25

*Nays:*

—0

The bill:

S. 23. To amend Section 46 of Title 51 of the Alabama Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Toomer
Carlton	High	Newton	Walton
Cater	Hornsby	Pinson	

—26

*Nays:*

—0

The bill:

S. 249. To amend Sections 78 and 80 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Carlton	Henderson	Lawson	Simpson
Cater	High	Madison	Toomer
Dodson	Hornsby	St. John (Cullman)	Walton
Espy	Jones		

—21

*Nays:*

—0

The bill:

S. 242. To amend Title 28, Section 52, of the Code of Alabama of 1940, so as to provide for the payment of proper charges and expenses of examining domestic insurance companies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Kilborn	St. John (Lawrence)
Bentley	High	Lawson	Simpson
Carlton	Hill	Madison	Smith
Cater	Hornsby	Pinson	Toomer
Garrett	Jones	St. John (Cullman)	Walton
Goodwin	Kelly		

—21

*Nays:*

—0

The bill:

S. 229. To amend Section 293, Title 26, Code of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 293, Title 26, Code 1940.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 293, Title 26, Code 1940, be and the same hereby is amended to read as follows:

293. Medical, surgical and hospital service.—In addition to compensation herein provided, the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, medicine, medical and surgical supplies, crutches and apparatus, as may be obtained by the injured employee during the first ninety days of disability, or in case of death within said ninety days, obtained during the period occurring between the time of the injury and his death therefrom. The total liability of the employer under this section shall not exceed the aggregate of two hundred dollars, and the pecuniary liability of the employer for such services rendered the employee shall be limited to such charges as

prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service, or a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of an agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay as much as said two hundred dollars, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. In addition to the medical and surgical treatment provided during ninety days of disability, the employer may, if he so elects, furnish to the injured employee such medical and surgical treatment and attention, medical and surgical supplies, crutches and apparatus for such time thereafter as he desires to furnish the same, and the employee shall accept the same; if the employer furnishes such medical and surgical attention and supplies during such ninety day period he shall not be liable under this section, except for such of said services and supplies as may, in an emergency, be procured by the employee elsewhere; in no event, however, shall the total liability hereunder exceed two hundred dollars. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable for such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination or refuses to submit to medical and surgical treatment and attention, or refuses to accept the medical service which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify

as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. In all death claims where the cause of death is obscure or is in dispute, the court may, in its discretion, order that an autopsy be performed, the cost of which is to be borne by the party at whose instance such autopsy was had or demanded.

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)	
Benson	Goodwin	Kilborn	Simpson	
Bentley	Henderson	Lawson	Smith	
Bradford	High	McCary	Taylor	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson	Jones	St. John (Cullman)		—26

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)	
Benson	Goodwin	Kilborn	Simpson	
Bentley	Henderson	Lawson	Smith	
Bradford	High	McCary	Taylor	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson	Jones	St. John (Cullman)		—26

*Nays:*

—0

The bill:

S. 100. To Amend Section 50 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.



*Yeas:*

Messrs.:	Espy	Jones	St. John (Cullman)
Benson	Garrett	Kelly	Shaver
Bentley	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Dodson	Hornsby	Pinson	Walton

—27

*Nays:*

—0

The bill:

S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Cullman)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Dodson	Hornsby		

—25

*Nays:*

—0

The bill:

S. 237. To Amend Section 34 of Article 1 of the 1901 Constitution of Alabama.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 237 by substituting the following for Section 34 wherein it appears in Sections 1 and 3 of Senate Bill No. 237:

"Section 34. Foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens. Provided, however, that it shall be unlawful for any Japanese or descendants of Japanese, who are not citizens or bona fide residents of this state at the present time, to hereinafter acquire, directly or indirectly, any interest in realty

by lease, purchase, descent or otherwise. Any such interest hereafter required by such Japanese or their descendants shall escheat to the State."

Which was adopted.

Yeas, 23; Nay, 1.

*Yeas:*

Messrs.:	Henderson	Kilborn	Shaver
Cater	High	Lawson	Simpson
Dodson	Hill	Madison	Smith
Espy	Hornsby	Newton	Taylor
Garrett	Jones	Pinson	Toomer
Goodwin	Kelly	St. John (Cullman)	Walton

—23

*Nay:* Mr. Bentley

—1

And said bill, as thus amended, was read a third time at length and lost.

Yeas, 3; Nays, 25.

*Yeas:* Messrs.: Bentley, Cater and Newton

—3

*Nays:*

Messrs.:	Goodwin	Lawson	Shaver
Benson	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Pinson	Taylor
Cobb	Hornsby	St. John (Cullman)	Toomer
Dodson	Jones	St. John (Lawrence)	Walton
Garrett	Kilborn		

—25

The bill:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which said proceeds may be used by the respective counties and to provide for the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from receipts from National Forests located therein from the State or Federal Government or any Department or Agency thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver	
Bradford	Henderson	Lawson	Simpson	
Carlton	High	Madison	Smith	
Cater	Hill	McCary	Taylor	
Dodson	Hornsby	Newton	Toomer	
Espy	Jones	Pinson	Walton	
Garrett	Kelly	St. John (Lawrence)		—26

*Nays:*

—0

The bill:

S. 358. To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

Was taken up.

The Standing Committee on Municipalities and Municipal Organizations reported the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That any city or town within the State of Alabama may fix and collect licenses for any business, trade or profession done within the police jurisdiction of such city or town or without the corporate limits thereof; provided, however, that the amount of such licenses shall not be more than one-half the amount charged and collected as a license for like business, trade or profession done within the corporate limits of such city or town, fees and penalties excluded. Provided, further that when the place at which any such business, trade or profession is done or carried on within the police jurisdiction of two or more municipalities which levy the licenses thereon authorized by this Act, such licenses paid to and collected by that municipality only whose boundary measured to the nearest point thereof is closest to such business, trade or profession. Provided that this Act shall not have the effect to repeal or modify the limitations in Article 3, Chapter 15, Title

37, of the 1940 Code of Alabama, relating to railroad, express companies, sleeping car companies, telegraph companies, telephone companies and public utilities.

Section 2. All laws, or parts of laws, general, local, or special, in conflict herewith are hereby expressly repealed.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Pinson	
Benson	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Smith	
Carlton	High	McCary	Toomer	
Cater	Hornsby	Newton	Walton	
Dodson	Jones			—25

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Newton	
Bentley	Garrett	Kelly	Pinson	
Bradford	Goodwin	Kilborn	Simpson	
Carlton	Henderson	Lawson	Smith	
Cater	High	Madison	Toomer	
Cobb	Hornsby	McCary	Walton	
Dodson				—24

*Nays:*

—0

The bill:

H. 620. To allow the members of Jackson County Board of Education twenty Regular Meeting Days and pay for not more than twenty days for each year, payable from the General School Funds of Jackson County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bradford	Hill	McCary
Benson	Carlton	Kilborn	Newton
Bentley	Cater	Lawson	Pinson
Black	High	Madison	St. John (Cullman)

St. John (Lawrence)	Sherrer	Smith	Toomer
Shaver	Simpson	Taylor	Walton

—23

Nays:

—0

The bill:

S. 146. To amend Section 117 of Title 28, Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	St. John (Lawrence)
Benson	Garrett	Kelly	Shaver
Bentley	Goodwin	Kilborn	Smith
Bradford	Henderson	Lawson	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Cullman)	

—26

Nays:

—0

The bill:

S. 285. To appropriate \$20,000 for the purchase of certain estate to be donated by the State of Alabama to the United States for a national cemetery and memorial; and to authorize, empower and direct the purchase and conveyance thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	St. John (Lawrence)
Benson	Garrett	Kelly	Shaver
Bentley	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Pinson	Toomer
Dodson	Hornsby	St. John (Cullman)	Walton

—27

Nays:

—0

The bill:

S. 144. To fix the salaries of the Appellate Court Judges of the State of Alabama by restoring them to that level of compensation received by the Judges thereof on December 1st, 1927, and to provide for the payment thereof.

Was taken up.

Mr. Hill offered the following amendment to the bill, to-wit:  
Amend title of S. B. 144 to read as follows:

"To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama by restoring them to that level of compensation received by the Justices and Judges thereof on December 1st, 1927, and to provide for the payment thereof."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Simpson	
Black	High	Madison	Smith	
Bradford	Hill	Pinson	Taylor	
Carlton	Hornsby	St. John (Cullman)	Toomer	
Cater	Jones	St. John (Lawrence)	Walton	
Espy	Kelly			—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Lawson	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Toomer	
Cobb	Jones	St. John (Cullman)	Walton	
				—27

*Nays:*

—0

The bill:

S. 228. To amend Section 15, Title 55, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Black	Cater	Espy
Benson	Bradford	Cobb	Garrett
Bentley	Carlton	Dodson	Goodwin

Henderson	Kilborn	St. John (Cullman)	Smith	
Hill	Lawson	St. John (Lawrence)	Taylor	
Hornsby	McCary	Shaver	Toomer	
Jones	Pinson	Simpson	Walton	
Kelly				—28

Nays: —0

The bill:

S. 256. To amend Section 455, Title 2, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	St. John (Lawrence)	
Bentley	Garrett	Kelly	Simpson	
Bradford	Goodwin	Kilborn	Smith	
Carlton	Henderson	Lawson	Taylor	
Cater	High	McCary	Toomer	
Cobb	Hill	Pinson	Walton	
Dodson	Hornsby	St. John (Cullman)		—26

Nays: —0

The bill:

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis; and to make appropriation for the care and treatment of such patients.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with tuberculosis:

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 199 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 199. Care of patients; non-resident patients; reports as to patients; charges for treatment.—Any sanatorium, or hospital now or hereafter established hereunder, desiring to share in the benefits of this article, must make provisions for the care of Alabama citizens who are

not residents of such county or counties and must place at the disposal of the state committee of public health for the use of such Alabama citizens aforesaid fifteen per cent of the total bed capacity of such sanatorium or hospitals. It being the intent hereof that the county from which a patient, in indigent circumstances, comes, shall pay the difference remaining for the cost of such patient after the state subsidy has been deducted; should a patient from another county not be in indigent circumstances, said difference in cost after deducting the state subsidy shall be fixed by the board of trustees of the sanatorium receiving such patient. On the first day of each month the board of trustees, or the superintendent of the sanatorium, whether organized and established under the provisions of this article or any other act or acts permitting counties to erect and maintain sanatoria for the treatment of tuberculosis, shall report to the state committee of public health the number of patients treated during the preceding month, with such detailed information as said state committee of public health may require. Such reports shall show specifically the number of patients treated with the number of days and the aggregate number of weeks of such treatment and the actual per diem cost per patient cared for in the institution and shall be verified by the superintendent or by the president of the board of trustees. If accepted and approved by the state health officer, it shall be the duty of the latter official to certify to the department of finance that the sanatorium in question has treated such number of patients for an aggregate specified number of days and at the cost per diem set forth in the report. Thereupon the comptroller, with the approval of the governor, shall draw his warrant on the treasurer in favor of the county treasurer having the funds of the sanatorium in his custody, for such amount as will constitute compensation for such patients on the basis of one-half the cost per patient cared for, provided that in no instance shall the state's contribution exceed one dollar per diem for each person cared for; it being the intent hereof that the state shall contribute towards the cost of maintaining and treating patients a sum not to exceed one dollar for each day of such care and treatment. In the event the amount appropriated from the treasury is insufficient to meet, in full the financial obligations enumerated above on the state's part, the state health officer is authorized to prorate among the counties qualified to participate in the provisions of this article, the amounts available so that each will receive its proportionate share. Nothing in this article shall be construed to mean that any sanatorium established hereunder may not charge a person, who is not in indigent circumstances, a reasonable sum per week for



care and treatment in such institution, which sum shall be agreed upon by the board of trustees. (1935, p. 1097).

Section 2. For the purpose of operating clinics at various points in the state for the treatment of cases of tuberculosis, an expenditure of not more than \$10,000 for each of the fiscal years beginning October 1, 1943 and October 1, 1944 is authorized from any appropriation made from the State Treasury to the State Department of Health for the control of tuberculosis.

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	High	Madison	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Newton	Taylor
Dodson	Jones	Pinson	Toomer
Espy	Kelly	St. John (Cullman)	Walton

—27

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	High	Madison	Simpson
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Newton	Toomer
Dodson	Jones	Pinson	Walton
Espy	Kelly	St. John (Cullman)	

—26

*Nays:*

—0

The bill:

S. 189. To amend Section 28 of the Alabama Motor Carrier Act of 1939.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Carlton	High	Madison	Taylor
Cater	Hill	McCary	Toomer
Cobb	Hornsby	Newton	Walton
Dodson	Jones	Pinson	

—26

*Nays:*

—0

The bill:

S' 204. To amend Section 268, Title 55, 1940 Code of Alabama.

Was taken up.

Mr. Pinson offered the following amendment to the bill, ot-wit:

Amend S. 204 by striking therefrom the words and figures "Five thousand (\$5,000.00) Dollars" wherever the same appear therein and insert in lieu thereof the words "Forty-two hundred (\$4200.00) Dollars."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Simpson
Carlton	Henderson	Madison	Taylor
Cater	High	McCary	Toomer
Cobb	Hill	Pinson	Walton
Dodson	Hornsby		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Simpson
Carlton	Henderson	Madison	Taylor
Cater	High	McCary	Toomer
Cobb	Hill	Pinson	Walton
Dodson	Hornsby	St. John (Cullman)	

—26

*Nays:*

—0

The bill:

S. 266. To provide funds for salaries and expenses of the employees of the State Board of Adjustment.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide Funds for Salaries and Expenses of the Employees of the State Board of Adjustment.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the General Fund of the State of Alabaam, in addition to any other appropriations heretofore made to the State Board of Adjustment, a sufficient amount not exceeding Nineteen Hundred (\$1900.00) Dollars per annum for the fiscal years ending September 30, 1944 and September 30, 1945, to be expended by the State Board of Adjustment for payment of salaries and expenses incurred in the prosecution of the duties heretofore conferred upon it.

Section 2. This Act shall become effective October 1, 1943.

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	Shaver	
Benson	Espy	Kelly	Simpson	
Bentley	Goodwin	Kilborn	Smith	
Black	Henderson	McCary	Toomer	
Bradford	High	St. John (Cullman)	Walton	
Carlton	Hill	St. John (Lawrence)		—22

*Nays:* —0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Bradford	Dodson
Benson	Black	Carlton	Espy

Goodwin	Jones	Pinson	Smith	
Henderson	Kelly	St. John (Cullman)	Taylor	
High	Kilborn	St. John (Lawrence)	Toomer	
Hill	Madison	Shaver	Walton	
Hornsby	McCary	Simpson		—26
<i>Nays:</i>				—0

The bill:

S. 248. To amend Section 394 of Title 17 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson	
Benson	Dodson	Jones	St. John (Cullman)	
Bentley	Espy	Kilborn	Simpson	
Black	Goodwin	Lawson	Smith	
Bradford	Henderson	Madison	Toomer	
Carlton	High	McCary	Walton	
Cater	Hill	Newton		—26
<i>Nays:</i>				—0

The bill:

S. 38. To amend Section 9 of Title 22 of the 1940 Code of Alabama relating to the State Health Officer; election; duties and powers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)	
Bentley	Henderson	Lawson	Shaver	
Black	High	Madison	Simpson	
Bradford	Hill	McCary	Smith	
Carlton	Hornsby	Pinson	Toomer	
Cater	Jones	St. John (Cullman)	Walton	
Espy	Kelly			—25
<i>Nays:</i>				—0

The bill:

S 141. To repeal Section 70 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—27

*Nays:*

—0

The bill:

S. 124. To provide for the disposition and use of all revenue or money derived from the levying or imposition upon any person, firm or corporation of any tax, license, permit, certificate, stamp, tag, shipping tag, fee or any other charge by whatever name called, pursuant to the game, fish and seafoods laws of this State and the rules and regulations based thereon; to provide for the disposition and use of all revenue or money derived from the administration and enforcement of the game, fish and seafoods laws, and rules and regulations based thereon, and from the sea foods industry; to provide for the disposition and use of all revenue or money derived from the sale, lease, exchange or other disposition of any sand, gravel, oyster shells, oyster bottoms, oyster reefs or other materials or substances taken from any of the water of Alabama or taken from any of the waters within the territorial jurisdiction of Alabama; to provide for the disposition and use of all money paid, received or arising from fines, penalties and forfeitures under the game, fish and seafoods laws of this State and the rules and regulations based thereon; to provide for the payment of salaries and wages and other expenses incident to the operation of the Department of Conservation; to provide for the disposition of any unexpended balance in the Conservation fund at the end of any fiscal year and to repeal any and all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Black	Carlton	Cobb
Bentley	Bradford	Cater	Espy

Goodwin	Kelly	Pinson	Sherrer
High	Kilborn	St. John (Cullman)	Simpson
Hill	Lawson	St. John (Lawrence)	Smith
Hornsby	Madison	Shaver	Toomer
Jones	McCary		

—25

Nays:

—0

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Simpson, further consideration of the bill, S. 134, was indefinitely postponed.

On motion of Mr. Espy, further consideration of the bill, S. 236, was indefinitely postponed.

## REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following bill with the original bill, and finds same correctly engrossed, to-wit:

S. 215. To authorize the State of Alabama, its agencies, institutions, boards, bureaus and commissions, counties, municipalities, public corporations, municipal utility boards and school boards to invest surplus funds including sinking funds and any other funds on hand which can not be used at the time on account of the National emergency now existing or for any other legal reason in bonds or direct obligations of the United States of America, to provide for application to the Department of Finance for authority to make such investment and type and amounts of obligations to be purchased.

Orlan B. Hill,  
Chairman.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 87. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to

authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

H. 66. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority, and duties; to appropriate funds for the operation and use of said council.

H. 329. To appropriate moneys for the retirement of the public debt of the State of Alabama, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the payment of principal on Harbor Improvement Bonds, as they severally mature, for each of the fiscal years ending September 30, 1944 and September 30, 1945.

H. 62. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. White:

H. 538. To amend Section 69 of Title 36 of the 1940 Code of Alabama.

Also:

By Mr. White:

H. 539. To amend Section 632 of Title 51 of the 1940 Code of Alabama.

Also:

By Mr. Norman of Bullock:

H. 724. To amend Section 301 of Title 55 of the Code of Alabama of 1940.

Also:

By Mr. Norman of Bullock:

H. 723. To amend Section 308, Title 55 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 538, to the Committee on Public Roads and Highways.

H. 539, to the Committee on Finance and Taxation.

H. 724 and H. 723, to the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. White:

H. 691. To provide for registration as electors of persons in military service of the United States, as hereinafter defined, who by reason of such service are absent from the State.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 691, to the Committee on Privileges and Elections.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully



examined the Journal of the Senate for the forty-fourth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the forty-fourth day approved by the Senate.

#### ADJOURNMENT

At 1 o'clock P. M., on motion of Mr. Carlton, the Senate adjourned until tomorrow, Thursday, June 17, 1943, at 9 o'clock A. M.

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#### FORTY-FIFTH DAY

Thursday, June 17, 1943.

The Senate met pursuant to adjournment Lieutenant-Governor Ellis presiding.

#### PRAYER

The session was opened with prayer by Senator Will O. Walton of Chambers County, Alabama.

#### ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

#### JOURNAL

On motion of Mr. Benson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. High:

S. 386. To provide for the employment of and to fix the salary of the probate judge in those counties having two court-houses, in which the probate judge is required to maintain a branch office.

Committee on Local Legislation.

By Mr. High:

S. 387. To amend Section 103 of Title 11 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Henderson:

S. 388. To appropriate the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary to install, furnish and equip the Chambers of the Senate and the House of Representatives in the State Capitol Building in Montgomery, Alabama, with air conditioning units or devices.

Committee on Finance and Taxation.

By Mr. Henderson:

S. 389. To appropriate the sum of Twelve Thousand Five Hundred (\$12,500.00) Dollars, or so much thereof as may be necessary to install, furnish and equip the Governor's mansion in the City of Montgomery, Alabama, with an air conditioning unit or device.

Committee on Finance and Taxation.

By Mr. Hill:

S. 390. To amend Section 23 of Title 34 of the Code of Alabama of 1940.

Committee on Judiciary.

By Mr. Madison:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

Committee on Finance and Taxation.

By Mr. Madison:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from federal vocational funds; to validate payments hereto-

fore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

Committee on Finance and Taxation.

By Mr. St. John (Lawrence):

S. 393. To make an appropriation to the State Board of Education of \$10,000 for each of the fiscal years ending September 30, 1944, and September 30, 1945, for the purpose of promoting instruction in the public schools of Alabama concerning the injury done to human beings by the consumption of alcoholic beverages.

Committee on Finance and Taxation.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

S. 144. To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama by restoring them to that level of compensation received by the Justices and Judges thereof on December 1st, 1927, and to provide for the payment thereof.

Orlan B. Hill,  
Chairman.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snyder:

H. 732. To reenact Act No. 573 of the regular session of the Legislature of Alabama of 1939, approved September 19, 1939 (General Acts of Alabama of 1939, page 910); to provide that such reenacted act shall be effective and operative from the beginning of May 31, 1941 (the effective date of the Code of Alabama of 1940) to the time of passage of this reenacting and amending act; to amend such reenacted Act No. 573 so that such reenacted act, as amended, shall be effective at and after passage of this reenacting and amending act; and to repeal all laws, general or local, in conflict herewith.

Also:

By Mr. Thomas:

H. 738. Relating to the salaries of the officers of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, to fix the salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, and to fix the maximum amount of the respective salaries to be received by the Probation Officers on said Juvenile and Court of Domestic Relations—Montgomery County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

is hereby given that a Bill will be introduced for passage in the present session of the Legislature of Alabama which is in substance as follows:

#### A BILL TO BE ENTITLED AN ACT

Relating to the salaries of the officers of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, to fix the salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, and to fix the maximum amount of the respective salaries to be received by the Probation Officers of said Juvenile and Court of Domestic Relations—Montgomery County, Alabama.

#### Be It Enacted By The Legislature Of Alabama:

Section 1. The salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, shall be \$2,100.00 per annum payable in twelve equal monthly installments out of the general fund of Montgomery County, Alabama.

Section 2. The Chief Probation Officer of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, shall receive a salary of not exceeding \$2,100.00 per year, and the Deputy Probation Officer of said Juvenile and Court of Domestic Relations—Montgomery County, Alabama, shall receive a salary of not exceeding \$1,500.00 per year, the amount of the respective salaries to be received by said Probation Officers within the said limits shall be fixed and regulated as occasion may require by the Judge of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, which said respective salaries shall be payable monthly out of the general funds of said county.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed, but only to the extent of such conflict.

Section 4. This Act shall become effective upon its passage and approval by the Governor.

May 20-27, June 3-10, 1943.

#### NOTICE

Notice is hereby given that a bill will be introduced in the Legislature in substance as follows:

## AN ACT

To fix the salary of the County Superintendent of Education of Walker County, Alabama and to allow him an expense account up to Fifty dollars per month.

Be it enacted by the Legislature of Alabama:

Section 1. That after the first day of July, 1943, the salary of the County Superintendent of Education of Walker County, Alabama, shall be Forty-eight Hundred dollars per year, payable in twelve equal monthly installments. That in addition thereto, an expense account is hereby granted him up to Fifty dollars per month for necessary expenses actually incurred in the efficient performance of his duties.

Section 2. All laws, general, local or special, and all ruings in conflict herewith are hereby specifically repealed.

J. H. DEASON.

CHESTER M. BLACK.

## PROOF OF PUBLICATION

STATE OF ALABAMA,  
MONTGOMERY COUNTY.

Before me, Mildred C. Eley, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 20, 27 and June 3 and 10th, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 10th day of June, 1943.

(Signed) MILDRED C. ELEY,  
Notary Public.

Also:

By Mr. Deason:

H. 703. To fix the salary of the County Superintendent of Education of Walker County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,  
COUNTY OF WALKER.

Before me, the undersigned authority in and for said State and County, this day personally appeared Bernard Guthrie, Publisher of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper

has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice—An Act who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Union News for 4 consecutive weeks, namely; April 29 and May 6, 13 and 20, 1943.

THE UNION NEWS,  
By BERNARD GUTHRIE,  
Publisher.

SWORN TO AND SUBSCRIBED TO BEFORE ME, this 2 day of  
June, 1943.

(SEAL)

FAY O'REAR,  
Notary Public.

Also:

By Mr. Stell:

H. 718. To authorize the members of the Court of County Revenue of Franklin County, Alabama, to be paid by said county the same compensations and allowances as are paid or allowed to commissioners of other counties of Alabama under general law.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

#### AN ACT

#### STATE OF ALABAMA, FRANKLIN COUNTY.

Notice is hereby given that the following Local Bill in substance will be introduced in the Legislature of Alabama at the Regular Session of the Legislature of Alabama which Session will convene May 4, 1943.

A Bill to be entitled an Act to authorize the members of the Court of County Revenue of Franklin County, Alabama, to be paid by said county the same compensations and allowances as are paid or allowed to commissioners of other counties of Alabama under general law.

Bt It Enacted By The Legislature Of Alabama:

Section 1: That the members of the Court of County Revenue of Franklin County, Alabama, shall receive the same compensation and mileage and other allowances as are received by members of commissioners courts of other counties of this state under general law or laws.

Section 2: That all laws and parts of laws in conflict with this Act be and are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

JAMES L. ORMON,  
Attorney for Court of County Revenue.

#### STATE OF ALABAMA, FRANKLIN COUNTY.

On this the 7th day of June, 1943, personally appeared before me, C. H. James, the undersigned, a Notary Public, in and for said county in said state, Susie M. Giles, Editor and Business Manager of the Franklin County Times,

a weekly newspaper of general circulation in said county, having been published weekly for more than fifty-two consecutive weeks prior to April 29th, 1943, published at Russellville, State of Alabama, who being duly sworn, states on oath that the herewith attached advertisement in the matter of a Local Act to make the compensation of the members of the Court of County Revenue of said county payable under general law appeared in said newspaper for Four consecutive times, without expense to the State of Alabama, viz: April 29th, 1943, May 6th, 1943, May 13th, 1943 and May 20th, 1943.

SUSIE M. GILES,  
Editor and Business Manager.

Sworn to and subscribed before me, this the 7th day of June, 1943.

C. H. JAMES,  
Notary Public.

(Seal)

Also:

By Mr. Rains and Mr. Allen:

H. 717. To Alter Or Re-arrange The Boundary Lines of the City of Gadsden, Etowah County, Alabama, so As to Include Within The Corporate Limits of Said City All Territory Now Within Such Corporate Limits And Also Certain Other Territory In Etowah County Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF INTRODUCTION OF LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced and application will be made for the passage of, a local bill, in substance as follows:

#### A BILL TO BE ENTITLED AN ACT

To Alter Or Re-arrange The Boundary Lines of the City Of Gadsden, Etowah County, Alabama, so As to Include Within The Corporate limits of Said City All Territory Now Within Such Corporate Limits And Also Certain Other Territory In Etowah County, Alabama.

Be it Enacted By the Legislature of Alabama:—

Section 1. That the Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same hereby are, altered or re-arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama included and embraced within the boundaries herein set out, to-wit:—

Begin at the Northeast corner of the SE¼ in Section 17, Township 11 South, of Range 6 East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a Southerly direction and along the East line of said

Section 17 and the East line of Section 20, Township 11 South, of Range 6 East of Huntsville Meridian to the Southeast corner of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in said Section 20; thence in a Westerly direction and along the South line of said NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 20 to the Southwest corner thereof, which is also the Northeast Corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 20; thence in a Southerly direction and along the East line of the said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 20 to the Southeast corner thereof; thence in a Westerly direction and along the South line of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  to the Southwest corner thereof, which is also the Northeast corner of the SW $\frac{1}{4}$  in said Section 20; thence in a Southerly direction and along the East line of said SW $\frac{1}{4}$  to the Southeast corner thereof, which is also the Northwest corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 29, Township 11 South, of Range 6 East of Huntsville Meridian; thence in an Easterly direction and along the North line of said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in said Section 29 to the Northeast corner thereof; thence in a Southerly direction and along the East line of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  in said Section 29 to the Southeast corner thereof, which is also the Northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in said Section 29; thence in an Easterly direction and along the North line of said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 29 and along the North line of the SW $\frac{1}{4}$  in Section 28, Township 11 South, of Range 6 East of Huntsville Meridian, to the Northeast corner of said SW $\frac{1}{4}$  in Section 28, thence in a Southerly direction and along the East line of the SW $\frac{1}{4}$  in said Section 28 and along the East line of the W $\frac{1}{2}$  of Section 33, Township 11 South, of Range 6 East of Huntsville Meridian to the Northwest corner of the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  in said Section 33; thence in an Easterly direction and along the North line of the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  in said Section 33 and along the North line of the S $\frac{1}{2}$  of the S $\frac{1}{2}$  in Section 34, Township 11 South, of Range 6 East of Huntsville Meridian to the East line of said Section 34; thence in a Southerly direction and along the East line of said Section 34 and along the East line of Section 3, Township 12 S, of Range 6 East of Huntsville Meridian to a point in the South side of Coosa River at low water mark; thence in an Easterly and Southeasterly direction up the South side of Coosa River at low water mark to where the North line of that certain tract of land conveyed by the Alabama Property Company, a corporation, to the Goodyear Tire & Rubber company of Alabama, a corporation, by deed dated 1st October, 1929, and recorded in Deed Record "4-Z", beginning on page 494, in the Probate Office, Etowah County, Alabama, intersects the south side of Coosa River at low water mark; thence in a Westerly direction and along the North line of said tract conveyed by the above mentioned deed to a point in the North and South center line of Section 2, Township 12 South, of Range 6 East of Huntsville Meridian; thence Southerly and along the North and South center line of said Section 2 and along the North and South center line of Section 11, Township 12 South, of Range 6 East of Huntsville Meridian to the Northwest corner of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  in said Section 11; thence in an Easterly direction and along the North line of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  in said Section 11 and along the North line of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  in Section 12, Township 12 South, of Range 6 East of Huntsville Meridian to the Northeast corner of said SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  in said Section 12; thence in a Southerly direction and along the East line of said SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  in Section 12 to the Southeast corner thereof; thence in a Westerly direction and along the South line of said SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  to the West line of said Section 12; thence in a Southerly direction and along the West line of said Section 12 to the Northwest corner of Section 13, Township 12 South, of Range 6 East of Huntsville Meridian, thence in an Easterly direction and along the North line of said Section 13 to the Northeast corner thereof;



thence in a Southerly direction and along the East line of said Section 13 to the Indian Boundary Line; thence in a Southeasterly direction and along said Indian Boundary Line to the Northeast corner of Section 19, Township 12 South, of Range 7 East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section 19 to the Southeast corner of said Section 19 and to the corporate line of the Town of Glencoe as shown by a map thereof recorded in Final Record "V" page 114, in the Probate Court, Etowah County, Alabama, thence in a Westerly direction and along the South line of said Section 19 and along the corporate line of the Town of Glencoe to where the corporate line of the Town of Glencoe turns in a northwesterly direction; thence in a Northwesterly direction and along the corporate line of the town of Glencoe to where said corporate line turns in a Southerly direction; thence in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section 19; thence in a Westerly direction and along the South line of said Section 19 to the Southwest corner of said Section 19; thence in a Northerly direction and along the West line of said Section 19 to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "C" page 183, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the  $N\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section 24, Township 12 South, of Range 6 East of Huntsville Meridian, thence in a Westerly direction and along the South line of said  $N\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section 24 and along the South line of the  $NE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section 24 to a point in the Northeast line of Keeling Road, as shown by the map of Hadley Farms recorded in Plat Book "B" page 236 in said Probate Office; thence in a Northwesterly direction and along the Northeast line of the Keeling Road to the Indian Boundary Line; thence in a Northwesterly direction and along the Indian Boundary Line to the Southwest corner of the Northeast Part of the Southeast Fractional Quarter in Section 14, Township 12 South, of Range 6 East of Huntsville Meridian; thence in a Northerly direction and along the West line of said Northeast Part of the Southeast Fractional Quarter in said Section 14 to the Southeast corner of the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  in said Section 14; thence in a Westerly direction and along the South line of said  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  in said Section 14 to the Southeast corner of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section 14; thence in a Northerly direction and along the East line of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  of said Section 14 a distance of 495 feet; thence in a Westerly direction and parallel with the South line of said  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  to the West line thereof; thence Northerly and along the West line of the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section 14 to the Southeast corner of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section 14; thence in a Westerly direction and along the South line of the  $NW\frac{1}{4}$  of the  $NW\frac{1}{4}$  in said Section 14 to the West line of said Section 14; thence Northerly and along the West line of said Section 14 to the Southeast corner of Section 10, Township 12 South, of Range 6 East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section 10 and along the South line of Section 9, Township 12 South, of Range 6 East of Huntsville Meridian to the Northeast corner of Government Lot Number 3 in Section 16, Township 12 South, of Range 6 East of Huntsville Meridian; thence in a Southerly direction and along the East lines of Government Lots Numbers 3, 6, 9 and 11 and said lines extended to the South bank of Big Wills Creek; thence in an Easterly direction and down the South bank of said Creek to a point where the East line of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section 21, Township 12 South, of Range 6 East of Huntsville Meridian, produced Northerly, intersects said Creek bank; thence Southerly

and along the East line of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section 21, and said line produced in a Northerly direction, to a point in the Northwest right of way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right of way line of said Highway to the South line of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  in said Section 21; thence in a Westerly direction and along the South line of the  $N\frac{1}{2}$  of the  $SW\frac{1}{4}$  in said Section 21 to the West line of said Section 21; thence Northerly and along the West line of said Section 21 to the Southerly bank of Big Wills Creek; thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is 200 feet West, drawn on a line parallel with the North line of Section 16 hereinbefore mentioned, from where the East line of Government Lot Number 11 in said Section 16, if produced in a Southerly direction, would intersect the South bank of said Creek; thence in a Northerly direction and parallel with the East lines of Government Lots Numbers 11, 9, 6 and 3 in said Section 16 and parallel with the East line of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in Section 9, Township 12 South, of Range 6 East of Huntsville Meridian to a point in the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section 9; thence in a Westerly direction and along the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section 9 to the Southwest corner thereof; thence Northerly and along the West line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section 9 to the Southeast corner of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section 9; thence in a Westerly direction and along the South line of the  $NW\frac{1}{4}$  of the  $SW\frac{1}{4}$  in said Section 9 and along the South line of the  $N\frac{1}{2}$  of the  $SE\frac{1}{4}$  in Section 8, Township 12 South, of Range 6 East of Huntsville Meridian to the Southeasterly line of Eleventh Street Road; thence in a Southwesterly direction and along the Southeasterly line of the Eleventh Street Road to the South line of said Section 8; thence in a Westerly direction and along the South line of said Section 8 and along the South line of Section 7, Township 12 South, of Range 6 East of Huntsville Meridian to the Northeast line of the public road leading to Attalla by way of the Sharp home; thence in a Northwesterly direction and along the Northeast line of said public road to a point in the South line of Fraction Number 5 in said Section 7; thence in a Westerly direction and along the South line of said Fraction Number 5 in said Section 7 and along the South line of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in Section 12, Township 12 South, of Range 5 East of Huntsville Meridian to the Southwest corner of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said section 12; thence in a Northerly direction and along the West line of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  in said Section 12 to the South line of Section 1, Township 12 South, of Range 5 East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section 1 to the Southwest corner thereof; thence Northerly and along the West line of said Section 1 to the Northwest corner thereof, which is also the Southeast corner of Section 35, Township 11 South, of Range 5 East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section 35 to the East bank of Little Wills Creek; thence in a Northerly and Northeasterly direction up the East bank of Little Wills Creek to the North line of said Section 35; thence in an Easterly direction and along the North line of said Section 35 and along the North line of Section 36, Township 11 South, of Range 5 East of Huntsville Meridian and along the North line of Section 31, Township 11 South, of Range 6 East of Huntsville Meridian to the North and South center line of Section 30, Township 11 South, of Range 6 East of Huntsville Meridian; thence Northerly and along the North and South center line of said Section 30 to a point in the South line of Section 19, Township 11 South, of Range 6 East of Huntsville Meridian; thence in an Easterly direction and

along the South line of said Section 19 to the Southwest corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  in said Section 19; thence Northerly and along the West line of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in said Section 19 to the Northwest corner thereof; thence Easterly and along the North line of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in said Section 19 to the West line of Section 20, Township 11 South, of Range 6 East of Huntsville Meridian; thence Northerly and along the West line of said Section 20 to the Northwest corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  in said Section 20; thence in an Easterly direction and along the North line of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  in said Section 20 to the Southwest corner of the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  in said Section 20; thence in a Northerly direction and along the West line of the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  in said Section 20 to the South line of Section 17; Township 11 South of Range 6 East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section 17 to the Southwest corner of the SE $\frac{1}{4}$  in said Section 17; thence in a Northerly direction and along the West line of the SE $\frac{1}{4}$  in said Section 17 to the Northwest corner thereof; thence in an Easterly direction and along the North line of the SE $\frac{1}{4}$  in said Section 17 to the point of beginning, all in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One of this Act be, and the same are hereby, established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby, repealed.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

J. H. MEIGHAN,  
Chairman, Board of Commissioners  
of the City of Gadsden, Alabama.

May 10-17-24-31.

STATE OF ALABAMA,  
COUNTY OF ETOWAH.

Personally appeared before the under signed, a Notary Public within and for said county and state, J. R. Hornady, editor of the Gadsden Times, a newspaper published at Gadsden, County of Etowah, State of Alabama, who being duly sworn, states on oath that the attached notice was published in said newspaper in its issues of May 10, 17, 24 and 31, 1943.

J. R. HORNADY,  
Editor.

Sworn to and subscribed before me this the 8th day of June, 1943.  
(SEAL)

PAULINE FARISS,  
Notary Public.

R. T. Goodwyn, Jr.,  
Clerk.

### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills 732, 738, 703, 718 and 717, to the Committee on Local Legislation.

#### REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Segrest:

H. 72. So make an appropriation for the support and maintenance of the Tuskegee Institute.

By Mr. Pill:

H. 297. For the relief of the First Federal Savings and Loan Association of Montgomery, Alabama, and to appropriate for the said First Federal Savings and Loan Association the sum of \$817.01, said sum being a refund to the said First Federal Savings and Loan Association of excise taxes erroneously paid by said Association to the State of Alabama for the calendar years 1935, 1936 and 1937.

By Mr. Allen:

H. 426. To amend Section 801 of Title 51 of the Code of 1940.

By Mr. Bentley (with substitute):

S. 238. To pay to the Town of Lineville, Alabama, the sum of Fifteen Thousand Dollars for a lot and school building, conveyed by said Town to the State for the Northeast Alabama Agricultural and Industrial Institute located at Lineville, Alabama.

By Mr. Pinson:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the Credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

By Mr. Beebe:

H. 2. To amend Sections 6 and 7 of an Act entitled "An Act to amend an act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, Alabama," approved February 21, 1893.

By Mr. Cater:

S. 367. To amend Section 304 and Section 314, Title 51, of the 1940 Code of Alabama.

By Mr. McCary:

S. 371. To create the Elementary Teacher's Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such fund to the State Teachers Colleges subject to the rules and regulations of the State Board of Education.

By Mr. Sullivan:

H. 474. To require the Judge of Probate, for the purpose of issuing motor vehicle and driver's licenses, the Tax Collector, for the purpose of collecting ad valorem taxes on motor vehicles, and the Tax Assessor for the purpose of assessing motor vehicles for ad valorem taxation in all counties in this State having a population of not less than 140,000 and not more than 300,000, according to the last or any subsequent Federal census, to maintain in addition to the office now maintained by them in the Court House of such County other offices elsewhere in such County for a period of sixty days in any calendar year; to provide for additional office space, supplies and equipment for such offices and the payment therefor, and to provide for the appointment of clerks and assistants to perform such additional duties and the payment therefor; and to provide for bonds for such temporary clerks.

By Mr. White:

H. 539. To amend Section 632 of Title 51 of the 1940 Code of Alabama.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit: .

By Mr. St. John (Lawrence) (without recommendation):

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the State in addition to the appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculosis Sanatorium in Morgan County, Alabama, with water.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hodo:

H. 413. To amend Section 820, Title 51, Code of Alabama of 1940.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Hill:

S. 370. So require fire insurance companies doing business in Alabama and issuing policies against loss by fire or otherwise to refund to the policy holder or holders the premiums paid on the amount which constitutes the difference between the amount stated on the policies upon which the premiums were paid and the amount paid thereunder, with interest thereon from the time of payment of such premiums; to require the premiums to be apportioned when several policies are issued upon the same property by different companies; to provide the manner in which the amount required to be refunded under this Act may be recovered by policy holders, and to render void any provision in any policy in conflict with the provisions of this Act.

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Givhan (with substitute):

H. 31. To make legal in the State of Alabama any food subject to and complying with the Federal Food, Drug and Cosmetic Act.

By Messrs. Henderson and Garrett (with amendment):

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; To prevent misrepresentation thereof; to give the State Board of Agriculture and industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; To repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes—

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the follow-

ing bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater:

S. 80. To amend Section 34 of Title 61 of the 1940 Code of Alabama so that the same shall read as follows:

By Mr. McCary:

S. 372. To amend Section 85, Title 22, Code of 1940 of Alabama.

By Mr. Simpson (with substitute):

S. 376. To amend Section 6 to 27 of Title 43, inclusive, of the Code of Alabama of 1940.

By Mr. Fite:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

By Mr. Locke:

H. 157. To amend Section 69, Title 35, Code 1940.

By Mr. McIlwain:

H. 198. To provide for the correction of marriage applications, licenses and certificates by the Judge of Probate and prescribe the notice and proof required.

By Mr. Sanderson:

H. 321. To repeal Title 62, section 349, of the Code of Alabama of 1940, and to place said circuit court reporters under the operation of the general act of Alabama relating to official circuit court reporters as set out in Title 13, sections 261-270, inclusive, as the same now exists or as same may from time to time be amended, Code of Alabama of 1940.

By Mr. Sullivan:

H. 540. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of not less than 140,000, not more than 300,000, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Segrest (with notice and proof):

H. 681. To authorize the Board of Revenue of Macon County, Alabama, to provide for an additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; to prescribe his duties.

By Mr. Segrest (with notice and proof):

H. 680. To prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County Alabama.

By Mr. Espy (with notice and proof):

S. 381. To amend an Act known as House Bill No. 992, passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3 of Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama; by adding thereto Section XVI and Section XVII in words and figures as follows:

By Mr. Espy (with notice and proof):

S. 380. To amend an Act known as Senate Bill No. 159 (House No. 160) approved March 15, 1939, creating the office of Clerk in the Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by providing additional compensation for said Clerk for performing such duties.

By Mr. Madison (with notice and proof):

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any general or local law to the contrary notwithstanding, and to provide when this Act shall go into effect.

By Messrs. Cole and Gullatt (with notice and proof):

H. 701. To authorize and require the County Commission of Russell County, Alabama, to pay \$12,000 out of the General Fund into the Fine and Forfeiture Fund of said County at the rate of not less than \$1,000 per annum, to replace funds heretofore transferred from the Fine and Forfeiture Fund of said County.



## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature is thereto requested:

H. 62. To create a State Planning Board and to provide for the appointment, removal, term, and compensation of the members thereof; to fix the powers, authority, and duties of the board; to provide for the appointment of a director of the board and for the selection of employees; and to make an appropriation for the maintenance and operation of the board.

Also:

H. 63. To repeal Sections 368 to 373 inclusive of Article 5, Chapter 10 of Title 55 of the Code of Alabama of 1940.

Also:

H. 66. To create and establish a War Emergency Council and a fund therefor; to provide for its organization and to define its powers and duties; to fix the compensation of its members and to define their powers, authority, and duties; to appropriate funds for the operation and use of said council.

Also:

H. 87. To provide against want and destitution caused by unemployment resulting from economic emergency in the State of Alabama, through the encouragement of the construction of public works projects by political subdivisions of the State; to provide for the creation and incorporation of the Alabama Emergency Finance Corporation and to define its powers and duties; to authorize the purchase, resale, or exchange by said corporation of public improvement assessment bonds or revenue bonds issued by any body politic of the State of Alabama; to encourage or promote the construction or reconstruction of any public works project by said Alabama Emergency Finance Corporation; to appropriate one million dollars to the Alabama Emergency Finance Corporation to be used for said purposes, and to appropriate twenty-five thousand dollars to pay the costs and expenses of said corporation.

Also:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

Also:

H. 269. To confer emergency war powers upon the Governor of the State of Alabama for the duration of the war in which the United States is now engaged.

Also:

H. 329. To appropriate moneys for the retirement of the public debt of the State of Alabama, for a sinking fund for the retirement of Class A Renewal, Class C Renewal and Funding Renewal Bonds, and for the payment of principal on Harbor Improvement Bonds, as they severally mature, for each of the fiscal years ending September 30, 1944 and September 30, 1945.

Also:

H. 389. To provide for a commission to be appointed from the Legislature for the purpose of having made an actuarial study, and having prepared a retirement plan for State employees, and to appropriate the sum of forty-five hundred dollars to pay the cost thereof.

Also:

H. 406. To amend Section 16, Title 51, of the Code of Alabama, 1940.

Also:

H. 434. To authorize the employment by the Director of Public Safety of civilian guards for the highways, bridges and other public buildings and property belonging to the State; to define their powers and duties; and to appropriate sufficient funds for the salaries of such civilian guards.

Also:

H. 444. Relating To Judicial Notice Of Ordinances Of Cities Which May Now Or Hereafter Have A Population Of Two Hundred Thousand Or More People According To The Last Or Any Succeeding Federal Census.

Also:

H. 586. To amend Section 2 of an act entitled "An act to fix and regulate the salary to be charged or received by the tax collector of Mobile County; to provide for assistants to the said tax collector, and their compensation; to fix and regulate the method and basis of payment and collection of such salary of the tax collector and compensation for his assistants; to provide that such salary shall be in lieu of all other compensation, fees, commissions or emoluments; to declare the provisions of existing law, touching the commission of tax collectors for collecting general and special and school taxes, inapplicable to Mobile County; and to provide

for the payment, into the County Treasury of Mobile County, of certain moneys, fees and penalties that were heretofore part of the compensation, emoluments and perquisites of the office of Tax Collector of Mobile County, Alabama, adopted by the Legislature of 1935 and approved August 15th, 1935, and set out in Local Acts of Alabama of 1935, page 139.

Also:

H. 591. To repeal an Act entitled "An Act to require the Court of County Commissioners, County Treasurer and County Depository of Crenshaw County, Alabama to set aside each year out of the general fund of the County twenty-five per cent of the amount received by said general fund each year, and which said twenty-five per cent shall be paid to the holders and owners of warrants now outstanding against said general fund in the order of their registration and in the priority of their payment".

Also:

H. 592. To validate the unfunded indebtedness of the Crenshaw County Board of Education and to provide for the payment of said indebtedness.

Also:

H. 616. To Amend Section One of a Local Act of the Legislature of Alabama, approved, April 6, 1936, Entitled An Act to Prohibit the furnishing by the Board of County Commissioners, or like governing body, of Madison County, Alabama, of any automobile, or other conveyance, or motor fuel, or oil, to any member of said Board, or governing body, for use by him in the prosecution of his duties or employment as a member of such Board, or otherwise; and to prohibit the use of any such articles by any member of such Board, or governing body, furnished in violation of the provisions of this Act, and to fix the penalty for such violations.

Also:

H. 620. To allow the members of Jackson County Board of Education twenty Regular Meeting Days and pay for not more than twenty days for each year, payable from the General School Funds of Jackson County, Alabama.

Also:

H. 625. To amend section 1 of An Act approved September 7, 1935, entitled "An Act to amend Sections 2, 5 and 8 and to make more certain the repeal of Section 9-1/2 of an Act entitled 'An Act to better provide for holding the Circuit Court of the Tenth Judicial Circuit at Bessemer, in and for the following portions of Jefferson County, to wit: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No.

4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct, No. 27, Bessemer Precinct No. 33, Gwins Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empaneling grand juries therefor and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor', approved August 18th, 1919, said amendment operating to rearrange the territorial boundary lines of the jurisdiction of said court so held at Bessemer, and defining the boundary lines thereof by metes and bounds in stead of precincts, and making more certain the elimination of Section 9-1/2 therefrom."

Also:

H. 657. To fix the compensation or salary to be paid the tax assessor of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require said officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for assessing or collecting taxes for any municipality.

Also:

H. 659. To repeal an act to allow the sheriff of Elmore County an additional deputy; to provide for his appointment, qualification by giving bond, to hold office at the pleasure of said sheriff, to fix his compensation and provide for payment thereof out of the general fund of the county; and to provide for appointment of a successor where such deputy is removed, dies, or resigns, approved March 31, 1936.

Also:

H. 663. To provide for the payment of traveling expenses of the Chief Deputy Sheriff of Elmore County, Alabama.

Also:

H. J. R. 11. That Senate Bills 52 and 54 be known as the Carlton, Chichester, Porter (of Choctaw) and High Bills.

Also:

H. J. R. 54. Relative to gasoline rationing in the State of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

## SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolutions, the titles of which are set out in the foregoing Message from the House.

## BILL REPORTED FAVORABLY AND RE-REFERRED

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time, to-wit:

S. 379. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

And was re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

## NOTICE TO AMEND RULES POSTPONED

On motion of Mr. Walton, unanimous consent was given for his motion to amend Senate Rule 22, notice of which was given on the forty-third day, to be carried over to the next day.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Montgomery, Alabama  
Gentlemen:

I am herewith returning to you, the body in which this bill originated, Senate Bill No. 182, without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend the caption of said bill by striking therefrom the figures "12,-000.00" and substitute therefor the figures "6,000.00", so as to conform with the provisions of said bill.

Respectfully,  
CHAUNCEY SPARKS  
Chauncey Sparks,  
Governor.

June 17, 1943.

## GOVERNOR'S MESSAGE

On motion of Mr. Sherrer, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to

the bill, which said amendment is set out in the foregoing Message from the Governor, to-wit:

S. 182. To authorize and empower the Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$12,000.00 per annum for purposes not otherwise provided for by law.

Yeas 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hill	Newton	Toomer
Cater	Hornsby	Pinson	Walton

—27

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	Sherrer
Benson	Espy	Madison	Simpson
Bentley	Garrett	McCary	Smith
Black	Goodwin	Newton	Taylor
Bradford	High	Pinson	Toomer
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater	Kilborn	Shaver	

—26

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Pruet:

H. 408. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138, of Article 5, of the Constitution of Alabama, as amended by Amendment XXXV;

to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held at the general election next succeeding the session of the Legislature at which this amendment is proposed, and, to provide for notice to be given by the Governor for the holding of said election.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution, and referred to appropriate standing committee as follows:

H. 408, to the Committee on Constitution and Constitutional Revision and Amendments.

### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Simpson, further consideration of the bill, S. 314, was indefinitely postponed by the Senate.

### BILLS ON THIRD READING

The bill:

S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Benson	Garrett	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Black	Hill	McCary	Smith	
Carlton	Hornsby	Pinson	Walton	
Dodson	Kelly	St. John (Cullman)		—22

*Nays:*

—0

The bill:

S. 274. To provide that any person involved in an accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Toomer
Cater	Kelly	St. John (Cullman)	Walton
Dodson			

—24

Nays:

—0

The bill:

S. 122. To Amend Section 126 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Garrett	Lawson	St. John (Lawrence)
Benson	Goodwin	Madison	Shaver
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Cater	Kelly	Pinson	Toomer
Dodson	Kilborn	St. John (Cullman)	Walton

—23

Nays:

—0

The bill:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public waters of Alabama whenever the respective laws of said states permit the residents of Alabama to fish commercially in the public waters of said states.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Simpson
Black	High	McCary	Smith
Carlton	Hornsby	Pinson	Toomer
Dodson	Kelly	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

S. 119. To Amend Section 143 & 148 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Simpson
Bentley	Garrett	McCary	Smith
Black	Goodwin	Newton	Toomer
Carlton	Hornsby	Pinson	Walton
Cater	Kelly		

—21

*Nays:*

—0

The bill:

S. 118. To Amend Section 106 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nay, 1.

*Yeas:*

Messrs.:	Cater	High	McCary
Benson	Dodson	Hornsby	Pinson
Bentley	Espy	Kelly	Simpson
Black	Garrett	Kilborn	Toomer
Carlton	Goodwin		

—17

*Nay:* Mr. Walton

—1

The bill:

S. 298. To repeal Section 74 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Cullman)
Benson	Espy	Kilborn	Shaver
Black	Garrett	McCary	Simpson
Bradford	Goodwin	Newton	Toomer
Carlton	High	Pinson	Walton
Cater	Hornsby		

—21

*Nays:*

—0

The bill:

S. 121. To Amend Section 73 of Title 8 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Fish and Game offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 73 of Title 8 of the Code of Alabama of 1940.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 73 of Title 8 of the Code of Alabama, of 1940 be and the same is hereby amended so that it shall read as follows:

"No person shall take or catch fish by the means of any net, seine, trap, or any other device as a substitute therefor, as commonly used for the taking of salt water fish in any of the creeks, rivers or other streams, or in any of the estuaries, or lakes emptying into any of the salt waters or bays of this State one mile above the point where such bodies of water empty or connect with the salt waters or bays of this State, except fishing with nets, seines or traps as commonly used for the taking of salt water fish, may be used in the Bon Secour River up to the point where the Bon Secour bridge crosses same, in the Magnolia River up to a point at the property known as the old Governor's Club and in Fish River up to a point known as the Marlowe Ferry Landing, and it shall be prima facie evidence of the violation of the provisions of this section for any person to have in possession any net, seine or trap or other device as a substitute therefor, in actual operation in any of the creeks, rivers, or estuaries, lagoons or lakes emptying into any of the salt waters or bays of this State, in which the using of the devices for the taking of fish set forth in this section are prohibited.

Section 2. If any salt water commercial fishermen are found with fresh water game fish in their possession, it shall be prima facie evidence of the violation of this Act and shall be punishable by a fine of not less than \$25 for each offense.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 23; Nays, 0:

*Yeas:*

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Dodson	Hornsby	St. John (Lawrence)
Bentley	Espy	Kelly	Shaver
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	McCary	Toomer
Carlton	High	Pinson	Walton

—23

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Dodson	Kelly	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	McCary	Taylor
Bradford	High	Newton	Toomer
Carlton	Hill	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

S. 117. To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any siene or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial nets and seines used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses

and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of this Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Was taken up.

The Standing Committee on Fish and Game offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with a mesh to a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of more than 500 fathoms except purse seines; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial nets and seines used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and other seafood and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of the Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. Size of Mesh in Salt Waters: It shall be unlawful to have in possession or use, for the taking of salt water fish or other seafoods, seines, nets or trawls with a mesh of a size other than that prescribed by the rules and regulations of the Department of Conservation of the State of Alabama where practical to conform with Louisiana, Mississippi and Florida laws. All measurements of seines, nets and trawls are to be taken from knot to knot after said nets have been tarred and shrunk. The size of the mesh of all seines, nets and trawls and the size of other devices which are used for the sole purpose of taking minnows, shrimp or other baits, for use as bait, shall conform to the rules and regulations of the Department of Conservation of the State of Alabama.

Section 2. Limitation of Length of Seines, etc: It shall be unlawful for any person, firm or corporation to have in possession or in use any seine, trammel net, gill net, or other device for the taking or catching of salt water fish or other seafoods, having in length on the dead line of more than 500 fathoms (3,000 feet), except on purse seines where the Director may set additional length. When two or more nets are jointed together they shall be considered as one and the total length thereof must not exceed the above limitation.

Section 3. All Gar Fish taken by any person in any waters must be killed before returning to the waters of Alabama.

Section 4. License Fees: Each license issued by the Director of Conservation or his authorized agent shall state the name of the applicant and if said applicant is a resident of the State of Alabama they shall pay a fee of \$1.00 for commercial hook and line fishing, \$5.00 for each trammel net, gill net or seine not more than 200 fathoms in length, \$10.00 on each seine or net over 200 but not over 300 fathoms in length, and \$20.00 on each seine or net over 300 but not over 400 fathoms in length and \$40.00 on all seines or nets over 400 but not over 500 fathoms in length, and \$100.00 license for purse seines over 500 fathoms in length. Non-residents shall pay a double license. All nets and seines must be licensed and operator of said seine or net must have them in their possession. A non-resident as herein mentioned is defined as any person, firm, association or corporation who or that which has not continuously domiciled in this state for more than one year prior to the date of the issuance of such license. All licenses issued pursuant to this Section shall expire on September 30th, thereafter irrespective of the date of issuance of the same.

Section 5. Each person, firm or corporation engaged in buying or handling salt water fish secured from commercial fishermen, or from other wholesale dealers, for the purpose of resale,

whether handled on the commission basis or otherwise, and every person, firm, or corporation shipping salt water fish out of the State of Alabama or consignment or order, except fishermen shipping their own catch, shall be considered a wholesale dealer, and if such person, firm or corporation is a resident of the State of Alabama he or it shall be required to pay a license in the sum of \$25.00 per annum, said license to be issued by the Director of Conservation or his authorized agent. Any person handling salt water fish strictly at retail to the consumer shall be considered a retailer and must purchase a license and pay the sum of \$5.00 per annum for same. A non-resident as herein mentioned is defined as any person, firm, association or corporation who or that which has not been continuously domiciled in this State for more than one year prior to the date of application for the license required by this Section. Non-residents shall pay a double license.

Section 6. Statistical Data to be Furnished Director of Conservation: Each and every person, firm, or corporation holding a wholesale dealer's license issued by the Director of Conservation or his authorized agent, shall on or before the 15th day of each month make a return, under oath, to the Director of Conservation on blanks provided for that purpose by him, showing in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month, the state in which the same were caught, and also the weight in pounds of each species of fish shipped by them outside of the State of Alabama. These returns shall be compulsory under the law, and wilful failure or refusal to make the returns promptly, or upon notification of the Director of Conservation that a report has not been received, or the filing of a false return, shall be deemed a violation of this Section and the Director of Conservation shall in his discretion suspend or cancel such dealer's license until such time as the provisions of this Section are complied with, and such license shall not be used by any person, firm or corporation until they are restored by said Director.

Section 7. Unlawful to Refuse to Submit to Inspection or Evade this Act: It shall be unlawful for any packer, commission-man, dealer, shipper, or boatman to refuse to open his place of business or boat where fish, oyster or other seafoods may be dumped, kept or stored, except his actual residence, for inspection by any officer whose duty it is to inspect same, or to conspire or agree with any person to evade any of the provisions of this Act or any laws hereafter enacted, or to knowingly connive or participate in any such violation. a violation of the provisions of this Section shall constitute a misdemeanor and any person, firm or corporation so violating shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

Section 8. Possession or operation of any illegal tackle, or any illegal fishing devices, or use of any boat or vessel that is not licensed as required by this Act, shall be considered prima facie evidence that it is kept or used for any unlawful purpose, and such tackle, devices or boat or vessel shall be seized and confiscated by any officer authorized to enforce the provisions of the game, fish and seafoods laws of Alabama and such tackle, devices, boat or vessel shall become the property of the Department of Conservation and may be disposed of in such manner as the Director of Conservation may see fit. In the event such tackle or devices or boat or vessel or any part thereof is sold, the proceeds from the sale shall go to the Conservation fund and shall be used for the sole purpose of the administration of the Division of Game, Fish and Seafoods of the Department of Conservation except as may otherwise be provided by law.

Section 9. Issuance of Licenses: The judge of probate, the commissioner, or such person not residing at the county seat in which the county court house is located, and duly appointed by the Director of Conservation, and so authorized by him, shall have authority to issue all licenses, resident or non-resident, to all persons complying with the provisions of this Act, and shall sign his name, and shall require the person to whom the license is issued to sign his name on the margin thereof. The person or persons issuing said license shall keep in a book or on specially prepared sheets to be furnished by the Director of Conservation a correct and complete record of all licenses issued, which record shall remain in his office and be open to inspection by the public at all reasonable times.

Section 10. Fees of Issuing Officers: Disposition of Remainder: Reports: Judges of probate and other persons authorized and designated to issue licenses shall retain out of the money received for each license issued under the provisions of this Act twenty-five cents for each license issued, which amount shall cover services required by the provisions of this Act, and shall remit the balance to the Director of the Department of Conservation on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the Director of Conservation of the State of Alabama on the first day of each month the number and kind of licenses issued under this Act and the name and postoffice address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued, and the amount of money remitted. Provided, however, that if any such license is issued by the Director of Conservation or by any probate judge or other officer who is paid a salary for the performance of his duties as such officer, he shall be required

to remit the entire amount collected to the Director of Conservation.

Section 11. The proceeds from the sale of all licenses and fees required by any of the provisions of this Act shall go to the Department of Conservation and shall be used by such Department for the administration of its Division of Game, Fish and Seafoods except as may otherwise be provided by law.

Section 12. A violation of any of the provisions of this Act shall be a misdemeanor and the person so violating, unless otherwise provided by this Act, shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Section 13. All laws or parts of laws, general, special or local, in conflict with the provisions of this Act are hereby repealed.

Section 14. This Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Shaver	
Benson	Dodson	Kilborn	Simpson	
Bentley	Garrett	Madison	Taylor	
Black	Goodwin	McCary	Toomer	
Bradford	High	Pinson	Walton	
Carlton	Hornsby	St. John (Lawrence)		—22

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Lawrence)	
Benson	Dodson	Madison	Shaver	
Bentley	Garrett	McCary	Simpson	
Black	High	Newton	Toomer	
Bradford	Hornsby	Pinson	Walton	
Carlton	Kelly			—21

*Nays:*

—0

The bill:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Was taken up.



The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 19 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 19. Registration of births and deaths. The State Board of Health shall have charge of the registration of births and deaths and stillbirths; shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records; and shall procure faithful registration through the establishment of a statewide system of vital statistics. The said State Board shall establish a central bureau of vital statistics at the capitol of the state and shall make and amend necessary regulations, give instructions and enforce this Act and the regulations made pursuant thereto. This act and amendments thereto shall be so construed as to effectuate its general purpose of conforming with vital statistics laws of other states.

Definitions as used in this Act:

(1) "Vital Statistics" includes the registration, preparation, transcription, collection, compilation, and presentation of data pertaining to births (adoptions, legitimations), deaths, stillbirths, marital status, and data incidental thereto.

(2) "Livebirth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.

(3) "Stillbirth" means a fetus showing no evidence of life after complete birth, providing uterogestation has advanced through 5 months (20 weeks) or more.

(4) "Dead Body" means lifeless human body or such parts of the human body or bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(5) "Person in Charge of Interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

(6) "Physician" means a person, legally authorized to practice medicine in this state.

(7) "Midwife" means a person, other than a person regularly licensed and legally authorized to practice medicine, who shall attend, or who shall bargain, contract or agree to attend, any woman at or during childbirth.

(8) "Local Registrar" means a person duly authorized by the state registrar of vital statistics to perform the duties attendant to the registration of vital and mortuary events in the manner prescribed and for a registration district designated by the state registrar.

(9) "Illegitimate Child" commonly called a bastard, means a child begotten and born out of lawful wedlock.

(10) "Delayed Certificate" means any record or birth, death, or stillbirth filed with the state registrar after the expiration of a period of ten days immediately succeeding the end of the month in which the event took place.

Section 2. That Section 21 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 21. Registration districts defined. For the purpose of this Act the state shall be divided into registration districts as follows: Each voting precinct in the state shall constitute a primary registration district; provided, that the State Board of Health may combine two or more primary registration districts into one registration district, or may divide one registration district into two or more registration districts, to facilitate registration; and it may establish any hospital, charitable or penal institution a primary registration district. Combinations of primary districts shall be limited to the county involved; and a registration district may be a combination of all primary registration districts within the county.

Section 3. That Section 22 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 22. Local Registrars and deputy registrars of vital statistics; their appointment, terms of office, and removal provided for: In each registration district as defined in the preceding section a local registrar shall be appointed by the State Board of Health upon the recommendation of the county health officer. A county health officer shall be eligible for appointment as a local registrar of vital statistics; but, if so appointed, he shall serve without additional remuneration therefor. When it appears necessary for the convenience of the citizens of any primary registration district, and for improving registration, the State Board of Health is authorized to appoint deputy registrars from persons recommended by the local registrar. Such deputies shall be authorized to prepare, birth, death and stillbirth certificates and to issue burial or removal permits in and for such portions of the registration district as may be designated. Each such deputy registrar shall forward all certificates together with his endorsement on the back of each certificate, to the local

registrar of the district within three days after the event; provided, however, that each such deputy registrar shall be under the supervision of the local registrar and shall be subject to the control of the state registrar. The term of office of local registrars and deputy registrars of vital statistics so appointed shall depend upon satisfactory performance; provided, that each shall hold office until his successor shall have been appointed, unless such office shall become vacant by death, disqualification, operation of law, or other cause. Each local registrar and deputy registrar shall notify the State Board of Health of his intent to resign at least ten days before any resignation shall take effect, whereupon his successor shall be appointed. Qualifications of local registrars and deputy registrars of vital statistics hereafter appointed shall be prescribed by the State Board of Health; provided, that no licensed embalmer or undertaker, and no person employed in the business of embalming, undertaking, or making or selling caskets, shall be eligible for appointment as a local registrar or deputy registrar. In each primary registration district consisting of a hospital, charitable or penal institution, the deputy registrar shall be the superintendent, warden or person in charge. Any local registrar or deputy registrar of vital statistics, who fails or neglects to discharge efficiently the duties of his office, as set forth in this chapter, or by the rules and regulations of the State Board of Health, shall be forthwith removed by the State Board of Health and such penalties may be imposed as are provided.

Section 4. That Section 24 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 24. Registration of stillborn children prescribed. A certificate of every stillbirth shall be filed with the local registrar of the district in which the stillbirth occurs within five days after the occurrence is known. If the place of stillbirth is not known then the certificate shall be filed with the local registrar of the district in which the body is found. A stillbirth shall be registered as such on the proper certificate form to be provided, except that a certificate shall not be required where the fetus has not advanced through the fifth month of uterogestation. It shall be the duty of the attending physician or midwife to prepare a certificate of stillbirth, properly filled out on a blank provided by the State Board of Health. The attendant on a stillbirth, physician or midwife, must sign the certificate, and give his or her address and date of signature together with such medical data pertaining thereto as he can furnish. in the case of plural births, a separate certificate shall be made for each child. If there be no attending physician or midwife, then it shall be the duty of the father or mother of the stillborn child, or manager of the premises or institution, to prepare the certificate. It shall be the duty of the person in charge of interment of

a stillborn child to complete the appropriate section of the certificate and to deliver the same within five days to the registrar of the district in which the event took place. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Section 5. That Section 25 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 25. Filing a certificate of death. A certificate of death shall be filed with the local registrar of the district in which the death occurred within five days after the occurrence is known; or if the place of death is not known then with the local registrar of the district in which the body is found. In every instance a certificate shall be filed prior to interment or other disposition of the body. The undertaker or other person in charge of interment shall be responsible for obtaining and filing the certificate of death. He shall obtain the personal and statistical particulars from the person best qualified to supply them and the informant shall sign his name in full and enter his correct address on the certificate. He shall present the certificate to the attending physician, if any, otherwise to the local health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death, and other particulars necessary to complete the record. He shall then state the facts required relative to the date of death and date and place of burial, or other disposition, over his own signature and with his address, and present the completed certificate to the local registrar within five days after the death is known. Only after these requirements have been met shall the local registrar issue the necessary burial removal permit.

If the cause of death cannot be determined within five days, the certification of its cause may be filed after the prescribed period, but the attending physician, medical examiner, or coroner shall give the local registrar written notice of the reason for delay in order that a permit for the disposition of the body may be issued. The medical certificate shall be made and signed by the physician, if any, last in attendance of the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. He shall further state the cause of death, so as to show the course of the disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of diseases or conditions resulting from disease will not be held sufficient for the issuance of burial or removal permits; and any certificate containing only such terms, as defined by the state registrar shall be returned to the physician or person making the medical certifi-

cate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths in hospitals or other institutions, or of non-residents, the physician shall supply the personal particulars, if he is able to do so, and may state where, in his opinion, the disease was contracted. Death certificates may be accepted for filing up to one year from date of death provided that if tendered sixty days or more after death they shall be authenticated by such sworn statements as the State Board of Health shall prescribe. Nothing in this section shall exempt physicians or undertakers or any other person in charge of interment from filing stillbirth and death certificates as prescribed elsewhere in this Act.

Section 6. That Section 26 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 26. Registration of deaths occurring without medical attendance. In the case of any death occurring without medical attendance, it shall be the duty of the undertaker, or other person to whose knowledge the death may come, to notify the local registrar of such death, and when so notified the local registrar shall, prior to the issuance of a burial permit, inform the county health officer, who shall immediately investigate and certify as to the cause of death; provided, that if the health officer has reason to believe that the death may have been due to an unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. The coroner, or other proper officer whose duty it is to hold an inquest on the body of the deceased person and to make the certificate of death required for a burial permit, shall state in his certification the name of the deceased person and shall prepare the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes, the means of death; whether probably accidental, suicidal or homicidal; and shall, in any case, furnish such information as may be required by the state registrar in order to properly classify the death. When there is no county health officer, and when there is no reason to believe the death to be due to an unlawful act or neglect, in such cases, only, the local registrar is authorized to complete the certificate from the statement of relatives or other persons having adequate knowledge of the facts; provided, that when there is reason to believe the death is due to an unlawful act or neglect, and there is no county health officer, the local registrar shall notify the coroner or other proper officer for his investigation and certification.

Section 7. That Section 27 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 27. Burial or

removal permit: duty of undertaker. The undertaker or other person in charge of interment shall file the completed certificate of death or stillbirth with the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach removal permit to the box containing the body, when shipped by any transportation company; said permit to accompany the body to its destination, where if within the State of Alabama, it shall be delivered to the person in charge of the place of burial.

Section 8. That Section 33 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 33. Form and manner of preparing birth certificates. All certificates of live birth shall be written legibly in unfading ink and no certificate shall be complete and correct nor accepted for filing that does not bear all of the items of information called for or fully accounts for their omission. The certificate of birth shall contain such information and in such form as the State Board of Health may prescribe. The personal particulars called for shall be given together with the name of the informant. In case of plural births a separate certificate shall be made for each. If the child dies without a given name, the words, "died unnamed" shall be entered in the space provided for the name. If the live birth has not yet been named at the date of filing the certificate of birth, the space for the given name of the child shall be left blank, to be filled out subsequently by a supplemental report as hereinafter provided in Section 34 of this Title. If the child is illegitimate no information relative to the father shall be entered. Any physician, or other person who attends an illegitimate birth may file the certificate of such birth directly with the state registrar of vital statistics, but such certificate must be filed not later than the first of the month immediately succeeding the month of birth. In cases of legitimation in the manner prescribed by law the state registrar upon receipt of a proof thereof shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate, if any, shall be sealed and filed. The certificate shall be signed by the attending physician or midwife with date of signature and address; if there was no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, manager or superintendent of public or private institution where the birth occurred, or other competent person whose duty is shall be to notify the local registrar of such birth. The local registrar shall enter the exact date of filing of the certificate in his office, and the registered number of the birth attested by his official signature.

Section 9. That Section 34 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 34. Registration of name of child subsequent to filing of birth certificate. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named. The attendant on a live birth must make every effort possible to secure the full name of the child during the five days allowed for making a report of the birth to the local registrar. At any time during the period allotted the local registrar for filing his current birth certificates, prior to forwarding his monthly report to the state registrar, he may enter on the certificate of live birth such supplemental information as he may have received from the parents of a new born child for completing the birth certificate. The local registrar shall on the fifth day of each month enclose in his regular monthly report to the state registrar all supplemental information received by him.

Section 10. That Section 37 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 37. Provision of blanks by the state registrar, issue of instructions, examination of certificates, and securing of additional information to complete the records, prescribed. The state registrar shall under the supervision of the State Board of Health, prepare, print, and supply to local registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this Act, and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory, and all physicians, midwives, informants, undertakers, and all other persons having knowledge of the facts, shall supply, upon a form provided by the state registrar, or upon the original certificate, such information as they may possess regarding any birth or death, upon demand of the state registrar, in person, by mail, or through the local registrar. The State Board of Health shall arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous typewritten or printed index of all births and deaths registered. After the said certifi-

cates are possessed and filed as permanent public records any person who shall wilfully alter any certificate, or entries thereon, or the copy of any of these public records on file in the office of the state registrar, except through due process of the state law that authorizes such alterations, shall be deemed guilty of violation of Section 103 of this Title. The addition of the name of the child, where a certificate of birth is reported prior to the naming of a child, does not constitute an alteration. Where it is found that an error of fact is made in the entry of personal particulars on records filed with the state registrar, an affidavit for corrections of the record shall be filed with the state registrar in such form as the State Board of Health may prescribe. Said instrument in writing shall be attached to and made a part of the record concerned. The probative value of any appended correction to an original certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Section 11. That Section 38 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 38. Distribution of blanks, examination of certificates, and the maintaining of a file record by local registrars prescribed. Each local registrar shall supply blank forms of certificates to such persons as require them. All certificates and permits shall be typed or written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for thereon, or satisfactorily accounts for their omission. The local registrar shall carefully examine each certificate of birth, death and stillbirth when presented for record, in order to ascertain whether or not it has been made out in accordance with the provisions of this chapter and the instructions of the state registrar, and whether the cause of death was an infectious, contagious, or communicable disease. If a certificate of birth is incomplete, he shall immediately notify the informant and require him to supply the missing items of information, if they can be obtained. If a certificate of death is incomplete or unsatisfactory, he shall call attention to the defects in the same, and shall withhold a burial permit or removal permit until such defects are corrected. In case the cause of death stated on a certificate of death is a disease held by the State Board of Health to be infectious, contagious, or communicable, and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State Board of Health. The state registrar shall furnish all local registrars with a list of the diseases which are considered infectious, contagious, or communicable, and dangerous to public health, as decided by the State Board of Health; and when



a certificate of death caused by such a disease is presented to him the local registrar shall forthwith report the same to the county health officer or the county quarantine office, on a form to be provided for that purpose by the state registrar. The local registrar shall number consecutively the certificates of birth, stillbirth, and of death, in three separate series beginning with the number one for the first birth, number one for the first stillbirth, and number one for the first death in each calendar year, and shall sign his name as local registrar in attest of the date of filing in his office. He shall maintain a file record of each birth certificate, death certificate, and stillbirth certificate registered by him in such form and manner as may be prescribed by the State Board of Health. The local registrar shall file permanently, in his office, the permit for each burial or cremation in his district, in such manner as may be directed by the State Board of Health. By the tenth day of each month the local registrar shall, except in registration districts located in a county having a county health department and State Board of Health shall have otherwise ordered, transmit to the state registrar all original certificates registered by him for the preceding month, and also any delayed certificates registered by him during the month. If no births, stillbirths, or deaths occurred in any month, the local registrar shall, on the tenth day of the following month, except in registration districts which are located in a county having a county health department and the State Board or Health shall have otherwise ordered, report that fact to the state registrar on a card provided for that purpose. When the State Board of Health shall have so ordered, each local registrar shall transmit forthwith to the county health officer, all original birth, stillbirth and death certificates which have been registered in such registration district. Each county health officer shall, by the tenth day of each month, transmit to the state registrar all original certificates and reports received from local registrars in his county for the preceding month, together with any delayed certificates and reports received by him during the month.

Section 12. That Section 39 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 39. Filing of delayed certificate of birth. Any person born in the State of Alabama whose birth has not been registered may have his or her birth recorded by the state registrar of vital statistics after complying with the requirements set forth below:

1. For a child two years old or younger, the birth shall be registered on the regular form upon which current live births are registered.

2. For a child who has passed his second but not his twelfth birthday, the birth shall be registered on a special form prepared by the State Board of Health and the record shall be sworn to by

two individuals thoroughly acquainted with the facts of birth as stated therein.

3. For an individual who has passed his twelfth birthday a "Delayed Certificate of Birth" form prepared by the State Board of Health shall be completed and sworn to by the person whose birth is being registered and one other person thoroughly acquainted with the facts. In addition to the above, the applicant shall furnish as a minimum two records or pieces of documentary evidence bearing his name and which support at least the statement made as to his age and county of birth.

4. The state registrar is authorized to accept what he considers authentic proof of the facts connected with the age, parentage, and place of birth of the individual concerned. Evidence submitted in support of a delayed birth certificate must be retained and filed in permanent files with the state registrar.

5. Through court proceedings as may be provided for establishing the date and place of birth and parentage a birth record may be established.

Provided that data therein pertaining to the father of a child has the probative value of prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence of any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted. Nothing in this section shall exempt physicians, midwives, or other attendants at birth from filing a certificate of live birth as prescribed elsewhere in this Act.

Section 13. That Section 40 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 40. Compensation of local and deputy registrars of birth, death and stillbirths certificates. Each local registrar shall receive as his compensation the sum of forty cents for each certificate of live birth, for each death certificate and for each stillbirth certificate filed with the state registrar of vital statistics in the form and manner prescribed. In case no births, deaths or stillbirths are registered during any month, the local registrar shall be entitled to receive the sum of forty cents for each monthly report to that effect, but only if such report be made promptly as required by the preceding section. All amounts payable to a local registrar under provisions of this section shall be paid by the treasurer of the county in which the registration district is located. A certification by the state registrar is sufficient warrant for the payment of the local registrar by the county treasurer or other custodian of public funds. The state registrar shall quarterly certify to the treasurers of the several counties the number of births, deaths and stillbirths properly registered, with the name of the local registrar and the amount

due at the rate fixed therein. When a local registrar dies, resigns or is displaced at any time during the year, the state registrar shall notify the county treasurer of the amount due and said amount shall be paid upon demand. Each deputy registrar as provided in Section 22 of this Act shall receive as his compensation the sum of twenty cents for each birth, death and stillbirth registered by him with the local registrar, said compensation to be paid by the local registrar from funds paid to him as herein provided. Provided, however, that no deputy registrar shall be compensated for registering births, deaths and stillbirths that occur in any hospital, charitable or penal institution. It shall be a duty of the local registrar to maintain a record of all births, deaths and stillbirths reported to him by each deputy registrar serving in his registration district and at the end of each three-months period he shall compensate each deputy registrar for his service immediately upon receiving his own compensation as herein provided.

Section 14. That Section 42 of Title 22 of the 1940 Code of Alabama be amended to read as follows: Section 42. Certified copy of vital records. fees to state registrar. The state registrar, upon request, shall supply to any applicant entitled to same a certified copy, under the seal of his office, of any record registered by him under provisions of this chapter or under the provisions of any prior law, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. Any such copy of any record in the custody of the state registrar, when properly certified by him, shall be prima facie evidence in all courts and places of the facts therein stated. The state registrar shall keep a true and correct account of all fees received by him under these provisions, and shall turn said fees over to the state treasurer for custody subject to withdrawal and disbursement by the State Board of Health in the interest of the bureau of vital statistics by the purpose of administering this Act; provided, however, that the county health officer of any county maintaining a full-time registrar of vital statistics by salary may issue certified copies of any record of birth, stillbirth or death in his custody upon request, and may collect a fee of fifty cents for issuing each copy of the same as provided herein for the state registrar; provided further, that he shall keep a true and correct account of all fees received by him under these provisions, and shall remit said fees to the treasurer of his county board of health to be used in defraying the cost of health services in such county. The state registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment. The United State Census Bureau may obtain, without expense to

the state, transcripts or certified copies of births and deaths without payment of fees herein prescribed. The state registrar, and such members of his staff as the board deems advisable, shall give a fidelity bond of a penal amount to be determined by the board.

Section 15. That all laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

Section 16. That this Act shall be effective and in force from and after its passage and approval by the Governor.

Which was adopted.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Benson	Garrett	Kilborn	Simpson	
Bentley	Goodwin	Madison	Smith	
Black	Henderson	McCary	Toomer	
Carlton	Hill	St. John (Lawrence)	Walton	
Cater	Hornsby			—21

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Pinson	
Benson	Dodson	Hornsby	St. John (Lawrence)	
Bentley	Garrett	Kelly	Simpson	
Black	Goodwin	Madison	Toomer	
Bradford	Henderson	McCary	Walton	
Carlton	High	Newton		—22

*Nays:*

—0

The bill:

S. 191. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts and or Inferior Courts of record, and to prescribe penalties and punishments for violations of the provisions of this act.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit:

To amend Section 10 of Senate Bill 191 by striking out the words "one Thousand" and inserting in lieu thereof "one Hundred" and

by striking out the word "twelve" and inserting in lieu thereof "six"

On motion of Mr. Bentley, further consideration of the bill, and pending amendment, was indefinitely postponed by the Senate.

Yeas, 24; Nays, 4.

<b>Messrs.:</b>	<b>Espy</b>	<b>Madison</b>	<b>Shaver</b>
Benson	Garrett	McCary	Sherrer
Bentley	Goodwin	Newton	Smith
Black	High	Pinson	Taylor
Bradford	Hornsby	St. John (Cullman)	Toomer
Carlton	Kilborn	St. John (Lawrence)	Walton
Dodson			

—24

Nays: Messrs.: Cater, Cobb, Kelly and Simpson

—4

The bill:

S. 280. To empower the registers of circuit court to re-open biddings received on the sale of lands made under orders and decrees of such courts and close the reopening of such buildings, and report their actions to the court for confirmation.

Was read a third time at length and lost.

Yeas, 12; Nays, 14.

Yeas:

<b>Messrs.:</b>	<b>Espy</b>	<b>Kelly</b>	<b>Pinson</b>
Bentley	Goodwin	Lawson	Sherrer
Cater	Hill	McCary	Simpson
Dodson			

—12

Nays:

<b>Messrs.:</b>	<b>Garrett</b>	<b>St. John (Cullman)</b>	<b>Taylor</b>
Bradford	Henderson	St. John (Lawrence)	Toomer
Carlton	Hornsby	Shaver	Walton
Cobb	Kilborn	Smith	

—14

The bill:

S. 281. To amend Section 5, Title 7, Code of Alabama 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 2.

Yeas:

<b>Messrs.:</b>	<b>Goodwin</b>	<b>Madison</b>	<b>Shaver</b>
Benson	Henderson	McCary	Sherrer
Bentley	Hill	Newton	Simpson
Bradford	Hornsby	Pinson	Smith
Carlton	Kelly	St. John (Cullman)	Toomer
Espy	Kilborn	St. John (Lawrence)	Walton
Garrett	Lawson		

—25

Nays: Messrs.: Cobb and Dodson

—2

The bill:

S. 287. To amend Section 198 of Title 17 of the Alabama Code of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 287 by striking the word "four" from the third from the last line thereof, and insert in lieu thereof the word "three".

and by changing the period at the end thereof to a comma, and add at the end thereof the following additional words:

"except that in those boxes where more than seventy-five votes are cast in any election, the returning officer, the inspectors and clerks shall, for such election, be paid four dollars each."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Benson	Garrett	McCary	Sherrer
Bentley	High	Newton	Simpson
Bradford	Hornsby	Pinson	Smith
Carlton	Kelly	St. John (Cullman)	Toomer
Cater	Kilborn	St. John (Lawrence)	Walton
Dodson	Lawson		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	Shaver
Benson	Henderson	Madison	Sherrer
Bentley	High	McCary	Simpson
Bradford	Hornsby	Newton	Smith
Carlton	Kelly	Pinson	Toomer
Espy	Kilborn	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

S. 288. To amend Section 226, Title 17, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Bradford	Goodwin	Madison	Simpson	
Carlton	Henderson	McCary	Toomer	
Cater	High	Pinson	Walton	
Cobb	Hornsby			—25

*Nays:*

—0

The bill:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his capacity as Securities Commissioner of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Lawson	Shaver	
Bentley	Garrett	Madison	Simpson	
Bradford	Goodwin	McCary	Smith	
Carlton	High	Newton	Toomer	
Cater	Hornsby	Pinson	Walton	
Cobb				—24

*Nays:*

—0

The bill:

S. 330. To provide for the investment in United States Government Bonds of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

Was taken up.

Mr. Carlton offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the investment in direct obligations of the United States Government of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. The State Treasurer, with the approval of the Governor, is authorized and empowered in his discretion to invest funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama (Article XXVI, Amendment No. XXV) for the payment of State of Alabama Refunding Bonds dated July 1, 1935, in direct obligations of the United States of America whenever and to the extent that the amount of such funds held in trust exceeds the amount of principal and interest maturing on any such Refunding Bonds within eighteen (18) months after the first day of the next calendar month.

Section 2. United States Government obligations in which any such funds are invested pursuant to the provisions of this Act and any interest or other earnings thereon shall be held in trust for the payment of State of Alabama Refunding Bonds dated July 1, 1935, and may be sold to provide funds for use in paying the principal of and interest on such Refunding Bonds or for use in purchasing such Refunding Bonds. Any Refunding Bonds so purchased shall be cancelled.

Section 3. For the purpose of making investments under the provisions of this Act, the State Treasurer, with written approval of the Governor, is authorized to make purchases and sales of United States Government obligations and shall be the custodian of such United States Government obligations, all of which shall be registered in the name of the State Treasurer of Alabama in trust for the Income Tax Fund.

Section 4. This Act shall become effective on the first day of August following the date of its enactment.

Which was adopted.

Yeas, 22; Nay, 1.

*Yeas:*

Messrs.:	Dodson	Kelly	Sherrer
Benson	Espy	Kilborn	Simpson
Bentley	Garrett	Madison	Smith
Bradford	Goodwin	McCary	Toomer
Carlton	High	Pinson	Walton
Cater	Hornsby	Shaver	

—22

*Nay:* Mr. Cobb

—1

And said bill, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.



*Yeas:*

Messrs.:	Dodson	Kelly	Sherrer	
Benson	Espy	Kilborn	Simpson	
Bentley	Garrett	Lawson	Smith	
Bradford	Goodwin	Madison	Toomer	
Carlton	High	McCary	Walton	
Cater	Hornsby	Shaver		—22

*Nays:* —0

The bill:

S. 353. To provide for deductions from penitentiary and hard labor sentences for good conduct.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Shaver	
Benson	Garrett	Madison	Sherrer	
Bentley	Goodwin	McCary	Simpson	
Bradford	High	Newton	Smith	
Carlton	Hornsby	Pinson	Toomer	
Cater	Kelly	St. John (Lawrence)	Walton	
Dodson	Kilborn			—25

*Nays:* —0

The bill:

S. 277. To authorize the several counties to pay for the fuel used by the sheriff in preparing meals for prisoners.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend Senate Bill 277 by adding at the end of Section 1 the following:

“provided such cooking is done on the jail premises.”

Which was adopted.

Yeas, 24 Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson	
Benson	Espy	Kilborn	St. John (Lawrence)	
Bentley	Goodwin	Lawson	Shaver	
Bradford	Henderson	Madison	Simpson	
Carlton	Hill	McCary	Smith	
Cater	Hornsby	Newton	Walton	
Cobb				—24

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)	
Benson	Espy	Lawson	Shaver	
Bentley	Garrett	Madison	Sherrer	
Bradford	Goodwin	McCary	Simpson	
Carlton	Henderson	Newton	Smith	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby			—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H. J. R. 59. Be IT RESOLVED by the House of Representatives, the Senate concurring that House Bill 87, which has passed both Houses of the Legislature be known as the "Hill-Sullivan Bill."

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Walton, the rules were suspended, and the resolution, H. J. R. 59, set out in the foregoing Message from the House, was adopted by the Senate.

#### RECESS

At 12 o'clock P. M., on motion of Mr. St. John (Cullman) the Senate took a recess until 3 o'clock this afternoon.

## FORTY-FIFTH DAY—AFTERNOON SESSION

Thursday, June 17, 1943.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Ellis presiding.

## ROLL CALL

## Present:

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	Newton	Smith
Carlton	High	Pinson	Taylor
Cater	Hill	St. John (Cullman)	Toomer
Cobb	Hornsby	St. John (Lawrence)	Walton
Dodson	Kelly		

—29

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Newton:

S. 394. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,979 inhabitants and not more than 21,912 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Committee on Local Legislation.

By Mr. Cobb:

S. 395. To require the registration of all lobbyists, and penalties for violation of this Act.

Committee on Privileges and Elections.

By Mr. Cater:

S. 396. To amend Title 26, Section 349 of the 1940 Code of Alabama.

Committee on Immigration and Industrial Resources and Labor.

By Mr. Espy:

S. 397. To amend Title 5, Section 125 of the Code of Alabama of 1940.

Committee on Banking.

By Mr. Kilborn:

S. 398. To fix the time of meeting of the Legislature of Alabama in the year 1945 and each fourth year thereafter.

Committee on Judiciary.

#### REPORTS OF COMMITTEES

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCary:

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

By Mr. Dobbs (of Elmore):

H. 375. To amend Section 347, Title 26, 1940 Code of Alabama.

Mr. Walton, Chairman of the Standing Committee on Public Welfare and Correctional Institutions, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Simpson:

S. 339. Amend Section 7, Title 49 of the Code of Alabama of 1940.

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr Cobb:

S. 377. To propose an amendment to the Constitution of Alabama relating to the time of the convention of the Legislature; the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature.

The above bill was read a second time at length as required by the constitution.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Messrs. Carlton and Kilborn:

S. 366. To provide for additional method whereby the governing bodies of incorporated cities and towns may enlarge or contract their boundaries.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Walton:

S. 14. To exempt the gross proceeds of the sale of agricultural publications printed and published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Kilborn:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

By Mr. Simpson:

S. 24. To amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

By Mr. Cobb:

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the

several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

By Mr. Cobb:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

By Mr. St. John (Cullman):

S. 321. "An Act to Provide for the Closing of the Court House offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like Governing Body of Cullman County, Ala."

By Mr. Benson:

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in Monthly installments.

By Mr. Cobb:

S. 350. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compen-

sation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act, in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

By Mr. Cobb:

S. 351. To amend an Act to be entitled an Act "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowances for his expenses and manner of payment to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the county. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939", by amending sections "3" "6" 7 and 10' of said Act and by repealing section 11 of said Act.

By Mr. Hill:

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

By Mr. Cater:

S. 331. To amend Section 15 of an Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Com-

mon Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lieu of its judgment; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

By Mr. Cater:

S. 332. To Fix the Salary of the Clerk of the Court of Common Pleas of Montgomery.

By Mr. Cater:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all counties having a population of not less than 100,000 nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

By Mr. Jones:

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama:

By Mr. Madison:

S. 337. To amend Section three (3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the



method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect."

By Mr. Madison:

S. 334. To amend Section 3, as amended March 6, 1939, of House Bill 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgements and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

By Mr. Madison:

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management

and operation of such office made necessary by changing the Method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

By Mr. Madison:

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Martin:

H. 621. To confer additional powers on water works boards organized under Sections 394 to 402 of Title 37 of the Code of Alabama of 1940.

Also:

By Mr. McIlwain:

H. 199. To amend Section 20, Title 34, Code 1940.

Also:

By Mr. McIlwain:

H. 201. To amend Section 603, Title 62, Code 1940.

Also:

By Mr. McIlwain:

H. 200. To repeal Sections 246, 247, 249 and 250, Title 13, Code of Alabama 1940.

Also:

By Mr. McIlwain:

H. 197. To amend Section 527, Title 52, Code 1940.

Also:

By Mr. McIlwain:

H. 202. To amend Section 532, Title 52, Code 1940.

Also:

By Mr. Rains:

H. 391. To amend Section 117 of Title 28, Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 621 and H. 391, to the Committee on Municipalities and Municipal Organizations.

H. 199 and H. 200, to the Committee on Judiciary.

H. 201, to the Committee on Privileges and Elections.

H. 197 and H. 202, to the Committee on Education.

## NOTICE TO REMOVE BILL FROM ADVERSE CALENDAR

Mr. Kilborn gave the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move that Senate Bill No. 366 by me, now ordered placed on the adverse calendar, be read a second time and placed on the calendar for the next Legislative day.

Vincent F. Kilborn."

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. White:

H. 714. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Fund for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

And ordered same sent forthwith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 714, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Golson of Elmore:

H. 218. To Amend Section 76 of Title 8 of the Code of Alabama of 1940.

Also:

By Mr. Wood:

H. 351. To amend Section 66, of Title 36, of the Code of Alabama of 1940.

Also:

By Mr. Wood:

H. 352. To repeal Section 57, Title 36, of the Code of Alabama of 1940.

Also:

By Mr. Robertson of Cullman:

H. 505. To amend Section 844 and Section 845, Title 51 of the Code of 1940.

Also:

By Mr. Robertson of Cullman:

H. 504. To amend Section 831, Title 51, of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 218, to the Committee on Fish and Game.

H. 351 and H. 352, to the Committee on Public Roads and Highways.

H. 505 and H. 504, to the Committee on Finance and Taxation.

## BILLS ON THIRD READING

The bill:

S. 297. To amend Section 182, Title 55, Code of 1940.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Section 1 of S. 297 by striking therefrom the words "one thousand" where the same occur together therein and insert in lieu thereof the words "Six hundred."

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Cullman)
Bentley	Goodwin	Lawson	St. John (Lawrence)
Bradford	Henderson	Madison	Shaver
Carlton	High	McCary	Sherrer
Cater	Hill	Newton	Simpson
Espy	Hornsby	Pinson	Smith
			—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nay, 1.

*Yeas:*

Messrs.:	Dodson	Hornsby	Pinson
Benson	Espy	Kelly	St. John (Cullman)
Bentley	Garrett	Kilborn	St. John (Lawrence)
Bradford	Goodwin	Lawson	Shaver
Carlton	Henderson	Madison	Simpson
Cater	High	McCary	Smith
Cobb	Hill	Newton	
			—26

*Nay:* Mr. Sherrer

—1

The bill:

S. 303. To appropriate the sum of three hundred and fifteen thousand dollars (\$315,000.00) from the Treasury of the State of Alabama; to designate the purpose of and to whom said appropriation shall be made; and to provide when the same shall be paid and how the same shall be expended.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To appropriate the sum of \$100,000.00 to the Board of Managers of the Partlow State School for Mental Deficients and provide the manner of payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the general fund the sum of \$100,000.00 to the Board of Managers of the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1943. Said appropriation is conditional upon the approval of the Governor.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	St. John (Lawrence)
Benson	Goodwin	Madison	Shaver
Bentley	Henderson	McCary	Sherrer
Bradford	High	Newton	Simpson
Cater	Hornsby	Pinson	Smith
Cobb	Kelly	St. John (Cullman)	Toomer
Dodson	Kilborn		

—25

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Toomer
Cater	Hornsby	Pinson	Walton
Cobb	Kelly	St. John (Lawrence)	

—26

*Nays:*

—0

The bill:

S. 304. To amend Section 229 of Title 45 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit.

Amend Senate Bill No. 304 by striking the words "five dollars" wherever the same appears in said bill and by adding in lieu thereof "four dollars and fifty cents."

Further amend Senate Bill No. 304 by striking the word "four" wherever the same appears in said bill and by adding in lieu thereof "three."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	St. John (Lawrence)
Benson	Espy	Madison	Sherrer
Bentley	Garrett	McCary	Simpson
Bradford	Goodwin	Newton	Smith
Carlton	Henderson	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Kilborn		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Benson	Garrett	McCary	Sherrer
Bradford	Goodwin	Newton	Simpson
Cater	Hornsby	Pinson	Toomer
Cobb	Kelly	St. John (Cullman)	Walton
Dodson	Kilborn	St. John (Lawrence)	

—22

*Nays:*

—0

The bill:

S. 143. To amend Title 55, Section 155 of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Banking offered the following amendment to the bill, to-wit:

Amend Senate Bill #143 by adding at the end of Section 1 thereof, after the word "sold" the following:

and subject to a minimum fee of \$25.00 and a maximum fee of \$250.00.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bentley	Henderson	Madison	Sherrer
Bradford	High	McCary	Simpson
Cater	Hill	Pinson	Smith
Dodson	Hornsby	St. John (Cullman)	Walton
Espy	Kelly		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bentley	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Cater	Hill	Pinson	Toomer
Dodson	Hornsby	St. John (Cullman)	Walton
Espy	Kelly		

—25

*Nays:*

—0

The bill:

S. 326. To propose an amendment to repeal Article XV, Sections 271, 272, 273, 274, 275, 276, 277, and 278 of the Constitution of Alabama, to substitute certain provisions therefor, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments offered the following amendment to the Bill, to-wit:

Amend Senate Bill No. 326 by striking therefrom the following words:

“which shall be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature” and substitute therefor the following words “and the day hereby appointed for said election is the next general election to be held in November, 1944.”

Which was adopted.



Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Cater	High	Madison	Sherrer
Dodson	Hill	McCary	Simpson
Espy	Hornsby	Pinson	Toomer
Garrett	Kelly	St. John (Cullman)	Waltos

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nay, 1.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	High	Lawson	Shaver
Bentley	Hill	Madison	Sherrer
Black	Hornsby	Newton	Simpson
Bradford	Kelly	Pinson	Toomer
Carlton	Henderson	St. John (Cullman)	Walton
Dodson			

—24

*Nay:* Mr. Cater

—1

The bill:

S. 327. To propose an amendment to repeal Article V, Section 131 of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments reported the following amendment to the bill, to-wit:

Amend Senate Bill No. 327 by striking therefrom the following words: "which shall be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature" and substitute therefor the following words: "and the day hereby appointed for said election to be held in November, 1944."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Benson	High	McCary	Sherrer
Bentley	Hill	Newton	Simpson
Black	Hornsby	Pinson	Smith
Bradford	Kelly	St. John (Cullman)	Toomer
Cater	Kilborn	St. John (Lawrence)	Walton
Dodson	Lawson		

—25

*Nays:*

—0

Mr. Kelly offered the following amendment to the bill, as amended, to-wit:

Amend the title and the bill by substituting the words "Section 131, Article V," for the words "Article V, Section 131," wherever the same may appear in the title and/or body of the bill.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	St. John (Lawrence)
Benson	High	Madison	Shaver
Bentley	Hill	McCary	Sherrer
Black	Hornsby	Newton	Simpson
Bradford	Kelly	Pinson	Toomer
Carlton	Kilborn	St. John (Cullman)	Walton
Dodson			

—24

*Nays:*

—0

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Madison	Shaver
Benson	Henderson	McCary	Sherrer
Bentley	High	Newton	Simpson
Black	Hornsby	Pinson	Smith
Bradford	Kelly	St. John (Cullman)	Toomer
Carlton	Kilborn	St. John (Lawrence)	Walton
Dodson	Lawson		

—25

*Nays:*

—0

The bill:

S. 167. To propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an

election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the final adjournment of the present session of the Legislature. And to provide for the expenses of holding said election.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Sec. 1, S. B. 167 by striking therefrom the sentence reading:

"no such regular session shall continue for longer than sixty days"

and insert in lieu thereof the following sentence:

"no such regular session shall continue for longer than fifty legislative days"

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Henderson	Madison	Sherrer
Black	High	McCary	Simpson
Bradford	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Toomer
Cater	Kelly	St. John (Cullman)	Walton

—27

*Nays:*

—0

Mr. Simpson also offered the following amendment to the bill, to-wit:

Amend Sec. 3, S. B. 167 by striking therefrom the sentence reading:

"no such regular session shall continue for longer than sixty days"

and inserting in lieu thereof the following sentence:

"no such regular session shall continue for longer than fifty legislative days"

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Carlton	Henderson	Kelly
Benson	Cater	High	Kilborn
Bentley	Dodson	Hill	Lawson
Bradford	Espy	Hornsby	Madison

McCary	St. John (Lawrence)	Simpson	Toomer	
Pinson	Shaver	Smith	Walton	
St. John (Cullman)	Sherrer			--25

*Nays:* —0

And said bill, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas, 25; Nays, 2.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Cullman)	
Benson	Garrett	Lawson	Shaver	
Bentley	Henderson	Madison	Sherrer	
Black	High	McCary	Simpson	
Bradford	Hill	Newton	Toomer	
Carlton	Hornsby	Pinson	Walton	
Cater	Kelly			--25

*Nays:* Messrs.: Dodson and St. John (Lawrence) —2

#### RECESS

At 5:10 P. M., on motion of Mr. St. John (Cullman), the Senate took a recess until 7:30 tonight.

#### FORTY-FIFTH DAY—NIGHT SESSION

Thursday, June 17, 1943.

The Senate re-assembled at 7:30 P. M., Lieutenant-Governor Ellis presiding.

#### ROLL CALL

*Present:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Benson	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Smith	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	Pinson	Walton	

—27

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Carter:

H. 720. To further regulate the fine and forfeiture fund of Marshall County, Alabama, the manner of payment of all fines and forfeiture due said County: to require the reregistration and provide for the payment of all claims heretofore registered, and which could on the passage and approval of this bill be used in the payment of any fine or forfeiture due said County, in the same order of their present registration and to provide the time of their reregistration; to fix a time for and require the registration of all other claims; to provide that all claims not hereafter reregistered or registered as provided by this act are to be forever barred; to provide that any and all fines and forfeitures may be paid in such reregistered or registered claims or in money; to provide for a commission to be paid in money to the clerk of 5% of all such claims received by him in payment of any fine or forfeiture due to the County of Marshall and for remitting the same, as if said fine or forfeiture had been paid in money; to provide that all fines and forfeitures shall be paid in money or in such reregistered claims, which could prior to the passage and approval of this bill be so used; to provide that any and all balances in cash in the fine and forfeiture fund of said County, after the payment of all such reregistered and all such registered claims, shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear as witness before the Grand Jury or for the state in criminal cases in Circuit Court where there is no indictment returned and/or no conviction had in such criminal case, and to provide that after the payment of all reregistered and registered claims and of such mileage and per diem of such witnesses that all balances in the fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said county: to provide that only claims reregistered or registered prior to January 1, 1944 shall be accepted as payment for or on any fine or forfeiture due said county: to provide that this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935, (Local acts of Alabama 1935 page 212), and to provide that if any provision of this act is unconstitutional that such unconstitutionality shall not affect the remaining provisions of this act: and to provide that this act shall become effective upon its passage and approval.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that application will be made to the present session of the Legislature of Alabama for enactment into law, in substance, of the following bill, to-wit:

"A BILL"  
TO BE ENTITLED  
AN ACT

To further regulate the fine and forfeiture fund of Marshall County, Alabama, the manner of payment of all fines and forfeitures due said County; to require the reregistration and provide for the payment of all claims heretofore registered, and which could on the passage and approval of this bill be used in the payment of any fine or forfeiture due said County, in the same order of their present registration and to provide the time of their reregistration; to fix a time for and require the registration of all other claims; to provide that all claims not hereafter reregistered or registered as provided by this Act are to be forever barred; to provide that any and all fines and forfeitures may be paid in such reregistered or registered claims or in money; to provide for a commission to be paid in money to the clerk of 5% of all such claims received by him in payment of any fine or forfeiture due the County of Marshall and for remitting the same, as if said fine or forfeiture had been paid in money; to provide that all fines and forfeitures shall be paid in money or in such reregistered claims, which could prior to the passage and approval of this bill be so used; to provide that any and all balances in cash in the fine and forfeiture fund of said County, after the payment of all such reregistered and all such registered claims, shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear as witnesses before the Grand Jury or for the state in criminal cases in Circuit Court where there is no indictment returned and-or no conviction had in such criminal case, and to provide that after the payment of all reregistered and registered claims and of such mileage and per diem of such witnesses that all balances in the fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said county; to provide that only claims reregistered or registered prior to January 1, 1944, shall be accepted as payment for or on any fine or forfeiture due said county; to provide that this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935, (Local acts of Alabama 1935, page 212), and to provide that if any provision of this act is unconstitutional that such unconstitutionality shall not affect the remaining provisions of this act; and to provide that this act shall become effective upon its passage and approval.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That all claims heretofore registered against the fine and forfeiture fund of Marshall County and which could prior to the passage and approval of this bill be used in the payment of fines and forfeitures due to said County, shall be reregistered by filing the same for reregistration with the County Depository prior to September 1, 1943. All such claims filed for reregistration shall be by the Depository of said County reregistered in the following order: first all such claims that have been heretofore registered within twelve months of their accrual shall be the first to be reregistered in the same order of their prior or original registration numbers. Second, all other claims which are filed for reregistration shall be by said County Depository reregistered in the same order of their prior or original registration. All such claims not so filed for reregistration prior to September 1, 1943 shall forever stand barred and become null and void for any and all purposes. Such claims as are reregistered and which were originally registered within twelve months of their accrual shall first be paid in the order of their reregistration out of any moneys in said fine and forfeiture fund

and shall be paid prior to all other claims out of said fund. Following the payment of such claims all other claims that are reregistered and which could have been used prior to the passage and approval of this bill for the payment of any fine or forfeiture due said County shall be by said Depository paid in the order of their reregistration out of any moneys in said fine and forfeiture fund and shall be paid prior to all other claims out of said fund. Any fine or forfeiture due to Marshall County or that may become due to said county may be paid by any such reregistered claims hereinabove described that could have been used prior to the passage and approval of this bill to pay a fine or forfeiture due said county without regard to the order of their reregistration and no other claim shall be used in the payment of any fine or forfeiture due the county except such, and except such other claims as are registered prior to January 1, 1944. All fines and forfeitures due said county shall either be paid in money or in such reregistered claims which could prior to the passage and approval of this bill have been used in such payments or in such registered claims that are registered prior to January 1, 1944. It shall be the duty of the clerk and the Depository to take any such claims in payment of any such fine or forfeiture as above provided and without regard to the order of their reregistration or registration. The clerk shall be paid a commission in money of 5% of all such claims received by him for payment of such fines and forfeitures and for remitting the same to the Depository, to be retained by him out of any moneys belonging to the fine and forfeiture fund of said county.

Section 2. All other claims against the fine and forfeiture fund of said County which have not been registered prior to the date of the passage and approval of this bill and which accrued within twelve months of said date or which accrue after the passage and approval of this bill and prior to sixty days after September 1, 1943 shall be by the owner or holder filed with the County Depository for registration subsequent to September 1, 1943, and prior to the expiration of sixty days from said date and when so filed shall be registered in the order in which they are filed for registration and if not so filed shall be forever barred. Sixty days shall be allowed within which to register any claim after its accrual. After sixty days after September 1, 1943, all claims accruing against said fund, except those due the clerk and sheriff of said County, shall be filed with the Depository for registration within sixty days after their accrual as such or they shall be forever barred for any and all purposes and become null and void.

Section 3. That after all reregistered and all registered claims as above provided for shall have been paid in full from said fine and forfeiture fund, any balance then remaining at any time shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear before the Grand Jury in cases where no indictment was returned and-or as witnesses in Criminal cases in Circuit Court where no conviction was had or obtained. After the payment of all such reregistered claims and registered claims and after the payment of all certificates presented for payment for mileage and per diem due such witnesses as above provided any and all balances then remaining in said fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said County.

Section 4. That the words "Reregistered Claims" shall be deemed any claim which could prior to the passage and approval of this bill have been used to pay a fine or forfeiture in said County and which had been registered against said fund at any time. That the words "Registered Claim" shall mean any claim not registered at the time of the passage and approval of this bill and which accrued within twelve months prior to said date or

that may accrue and be registered according to this bill prior to January 1, 1944.

Section 5. Any reregistered claim and any registered claim registered prior to January 1, 1944 shall be receivable in payment of any fine or forfeiture due said County or that may here after become due to said County and no other claim shall be used for or on such payment.

Section 6. The provisions of this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935 (Local Acts of Alabama 1935 page 212).

Section 7. If any of the provisions of this act are unconstitutional such unconstitutionality shall not affect the remaining provisions of this act.

Section 8. This act shall become effective upon its passage and approval.

JOHN H. CARTER, JR.,

Representative Marshall County, Alabama.

5-12—4t.

STATE OF ALABAMA,  
MARSHALL COUNTY.

Before me, Claud D. Scruggs, a notary public, in and for said County personally appeared Y. Burke, owner, editor and publisher of the Guntersville Advertiser & Democrat, a weekly newspaper, published in said county at Guntersville, who being duly sworn, deposes and says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks and on the following dates, to-wit, May 12, May 19, May 26 and June 2, all the year 1943.

Y. BURKE,

Owner, Editor and Publisher.

Sworn to and subscribed before me this the 8th day of June, 1943.

CLAUD D. SCRUGGS,  
Notary Public.

Also:

By Mr. Johnson of Winston:

H. 758. To repeal an act entitled "an act to withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large, and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide the terms of office and compensation of said members; to provide for a secretary-treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama, approved September 5, 1939."



With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO INTRODUCE LOCAL BILL.

Take notice that it is the intention to apply to the Legislature of Alabama during its present session for the passage of an act the substance of which is as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal an act entitled "an act to withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large, and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide the terms of office and compensation of said members; to provide for a secretary-treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama, approved September 5, 1939."

Be It Enacted By The Legislature Of Alabama:

Section 1. That an act entitled "an act to withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide the terms of office and compensation of said members; to provide for a secretary-treasurer of said board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the chairman thereof and to regulate purchase made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama, approved September 5th, 1939," be and the same is hereby repealed.

Section 2. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

STATE OF ALABAMA,  
WINSTON COUNTY.

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Advertiser-Journal, a newspaper of general circulation, published weekly in Haleyville,

Winston County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 20th day of May, 1943, and the last copy of said publication appearing in the said paper on the 10th day of June, 1943.

JAY THORNTON,

Sworn and subscribed to before me this 14 day of June, 1943.

(SEAL)

L. L. PHILLIPS, SR.

Notary Public, Winston County, Alabama.

My commission expires Aug. 3, 1946. Bonded by New York Casualty Co., N. Y.

Also:

By Mr. Sightler:

H. 750. To authorize the governing body of Montgomery County, Alabama to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax; and to repeal an Act entitled an Act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said County gasoline or any devices or substitutes therefor. The tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said County, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this Act and to fix penalties for the violation of any provision of this Act, and to provide for the disposition and use of this tax.", approved March 1, 1939.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Is hereby given that a bill will be introduced in the Legislature of Alabama during the 1943 session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the governing body of Montgomery County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax; and to repeal an Act entitled an Act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said County gasoline or any devices or substitutes therefor. The tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said County, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this Act and to fix penalties for the violation of any provision of this Act, and to provide for the disposition and use of this tax," approved March 1, 1939.

Be It Enacted By The Legislature Of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, copartnership, company, agency or association singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in Montgomery County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Montgomery County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into Montgomery County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section II. The governing body of Montgomery County, Alabama may impose an excise tax of not exceeding 1c per gallon on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing, or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in Montgomery County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay an excise tax of 1c per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in Montgomery County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in interstate commerce, and provided further that

if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by a retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein imposed shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or in the business of selling, distributing, storing or withdrawing from storage for any purpose gasoline as herein defined by the State of Alabama or any other agency or subdivision of the State of Alabama except the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental function by the County governing agencies, municipalities and boards of education. Every distributor, storer or retail dealer as defined in Section I of this Act shall be exempted from the payment of said excise tax on withdrawals from storage which are for the purpose of resale, or reshipment to points outside of said County; provided, however, that to obtain such exemption such distributor, storer or retail dealer entitled to such exemption shall furnish to the governing body of said County a sworn, written statement on the 20th day of each and every month showing a full, true and accurate total of sales to each reseller or consumer outside of said County.

Section III. On or before the 20th day of each month after the passage of this Act, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury, and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section IV. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline made in Montgomery County taxed under this Act.

Section V. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in Montgomery County shall make a report on blanks furnished under Section III hereof to the governing body of said County, showing the place and postoffice address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business

address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and postoffice address and also the place and postoffice address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer, or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section VI. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act, or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section VII. It shall be the duty of the governing body of said county to enforce the provisions of this act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section VIII. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this act, the tax shall be deemed delinquent within the meaning of this act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the governing body of the said county a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this act. If any person shall be delinquent in the payment of any tax imposed by this act, the governing body of said county shall issue execution for the collection of the same, directed by any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for, shall be held as a debt payable to the county of Montgomery by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section IX. The acceptance of any amount paid for the excise tax imposed under this act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section X. Any distributor, storer or dealer who shall violate any provisions of this act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said county by the attorney general of the State of Alabama, or by such counsel as the governing body of said county shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such person shall have complied with the provisions of this act.

Section XI. Each agent of any railroad company, bus or truck operator or other transportation company or agency operating in Montgomery

County shall report to the governing body of said County on the first day of October, January, April and July of each year all shipments of gasoline as defined in this act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Montgomery County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section XII. The proceeds of the excise tax authorized in this act shall be used for the maintenance and support of the public school system of Montgomery County, and when collected by the county governing body as above authorized, shall be by it paid over to the treasurer of county school funds for Montgomery County, to be by him disbursed on the order of the County Board of Education of Montgomery County. The costs of the collection of said tax shall be paid by the Board of Revenue of Montgomery County from the proceeds of said excise tax, and the amount of such expense includes necessary clerical help, shall be deducted from the amount remitted to the treasurer of county school funds.

Section XIII. Should any section, paragraph or portion of this act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section XIV. All laws or parts of laws in conflict with this act be and the same are hereby repealed and an act entitled an act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said county gasoline or any devices or substitutes therefor. The tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said county, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this act and to fix penalties for the violation of any provision of this act, and to provide for the disposition and use of this tax."

Approved March 1, 1939, is hereby repealed.

Section XV. This act shall go into effect on the first of the month after its passage and approval by the Governor or is otherwise enacted into law.

#### STATE OF ALABAMA. MONTGOMERY COUNTY.

Before me, T. A. Hardy, A Notary Public in and for said State and County, this day personally appeared R. F. Hudson who being by me first duly sworn, deposes and says that he is the President of The Montgomery Advertiser a newspaper of general circulation published in Montgomery County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Montgomery Advertiser, on to wit: May 22, 1943; May 29, 1943; June 5, 1943 and June 12, 1943, without cost to the State of Alabama.

R. F. HUDSON, President  
of The Montgomery Advertiser.

SWORN TO and subscribed before me, this the 12 day of June, 1943.  
(SEAL)

T. A. HARDY,  
Notary Public, Montgomery County, Alabama.

Also:

By Mr. Carter:

H 734. To create the Municipal Utilities Board of Albertville; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Albertville by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide for the investment of sinking funds for the retirement of bonds or other contingency funds coming into the hands of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$500.00 the expenditure must be approved by the City Council of the City of Albertville; to provide for an annual audit and semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas, or other utilities if same should in the future be acquired by the City of Albertville; to provide for the management and operation of such other utilities; and to provide for reports of the Board to the City Council.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

To Whom It May Concern:

Notice is hereby given that the City of Albertville, Alabama will apply for the passage of the Act set out below to the present session of the Alabama Legislature.

## AN ACT

To create the Municipal Utilities Board of Albertville; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board, to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Albertville by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide for the investment of sinking funds for the retirement of bonds or other contingency funds coming into the hands of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$500.00 the expenditure must be approved by the City council of the City of Albertville; to provide for an annual audit and semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas, or other utilities if same should in the future be acquired by the City of Albertville; to provide for the management and operation of such other utilities; and to provide for reports of the Board to the City Council.

Be It Enacted By The Legislature Of Alabama:

Section 1. CREATION OF MUNICIPAL UTILITIES BOARD OF ALBERTVILLE, ALABAMA.—There is hereby created and established the Municipal Utilities Board of Albertville, Marshall County, Alabama, to be composed of three members.

Section 2. APPOINTMENT OF MEMBERS TO COMPOSE BOARD.—W. E. Walker of Albertville, Marshall County is hereby named and appointed as a member of the Board to serve until second Monday in January, 1945; and until his successor is elected and qualified. Dr. A. L. Isbell of Albertville, Marshall County, is hereby named and appointed as a member of the Board to serve until the second Monday in January, 1947, and until his successor is elected and qualified. Oran C. Adams of Albertville, Marshall County, is hereby named and appointed as a member of the Board to serve until the second Monday in January, 1949, and until his successor is elected and qualified.

Section 3. QUALIFICATION OF MEMBERS OF THE BOARD.—No person shall be eligible to membership on said Board who is not a qualified elector of the City of Albertville, Alabama, or who is an officer of the City, or an employee thereof, or is a member of the City Council, or whose term on the City Council has expired within six months prior to his election on the board.



**Section 4. OATH OF OFFICE, OF MEMBERS OF THE BOARD**—Before entering upon the duties of his office, each member of the Board shall take and subscribe the following oath: "I do solemnly swear that I will support the constitution of the State of Alabama, the constitution of the United States, and I will faithfully, zealously, and impartially discharge the duties of the office upon which I am about to enter, without fear or favor, for the public welfare; so help me God." The successors to the members of the Board named in this Act shall take and subscribe to the same oath.

**Section 5. METHOD OF ELECTION AND TERM OF OFFICE OF THE MEMBERS OF THE BOARD.**—The successors to the members of the Board named in this Act shall be elected by the City Council of the City of Albertville, Alabama. At the last meeting of the City Council of the City of Albertville in December each year that the term of a member of the Board expires in January following, the City Council shall elect the successor of the member of the Board whose term expires on the second Monday in January following, and the person so elected shall become a member of the Board on the second Monday in January following and shall hold the position for a period of six years and until his successor is elected and qualified. A member of the Board may succeed himself if the City Council desires to re-elect him. Whenever a vacancy occurs in the Board by resignation, death, or some other cause, the City Council shall immediately fill said vacancy by electing another person to the Board, who shall serve for the remainder of the unexpired term of the member he succeeds.

**SECTION 6. ORGANIZATION OF THE BOARD.**—At the first meeting of the Board after the passage of this Act, the members shall elect one of their number as chairman and one of their number as Secretary, thereafter the Board shall annually elect from among their number a chairman and Secretary. Vacancies in the office of Chairman and Secretary shall be filled by the Board, if and when the same may occur.

**Section 7. COMPENSATION OF THE MEMBERS OF THE BOARD.**—Each member of the Board shall be paid at the rate of \$10.00 per month. The compensation to the members of the Board shall be paid in monthly installments from the money received from the operation of the Electric Distribution System.

**Section 8. MEETINGS OF THE BOARD.**—The Board shall hold its regular monthly meetings on the third Tuesday of each month and other meetings at such times and places as its members may elect, and the Chairman of the Board, or any two members, may call the meeting at any time he or they consider that the business demands that a meeting be held. The Chairman and one member or any two members of the board shall constitute a quorum. A true record of all the proceedings of all meetings of the Board shall be kept by the Secretary. At the call of any member the vote on any pending question shall be taken by ayes and noes, and the same shall be entered on the record. The Record of the proceedings of said Board shall be open to the Mayor and any member of the City Council, and to the public at all times, and a copy from said record, certified by the Secretary, shall be competent evidence in all courts.

**Section 9. AUTHORITY AND DUTIES OF THE BOARD.**—The Board shall have complete control of the public utilities owned by the City of Albertville, and as a part thereof it shall have authority to employ, upon terms to be fixed by the Board, but in no event for a term exceeding one year, and to discharge with or without cause, managers, cashiers, clerks, stenographers attorneys, linemen, repairmen, laborers, and such other employees as are necessary for the operation of the utility. It shall have the power and authority, and it shall be its duty, to charge for and collect all accounts due for any service which the utility may furnish to its customers,

upon rates to be provided and approved by the City Council of the City of Albertville, Alabama. The Board shall have the right to delegate to any manager which it may employ the authority to employ and discharge employees which may be needed; to direct their work, and to manage, control and operate the public utility of the City of Albertville, of which he is the manager, and to account to the Board for his acts in so doing, but his authority shall be restricted as the authority of the Board is restricted by this Act.

**Section 10. OFFICIAL BONDS OF OFFICERS AND EMPLOYEES**—All officers or employees of the Board handling money or exercising authority over property of the City of Albertville shall, before entering upon the discharge of their duties, give bond with some Surety Company authorized to do business in the State of Alabama, as Surety and payable to the City of Albertville, to be approved by the Board in such penalty as the Board may prescribe conditioned for the faithful discharge of the duties of his office, and faithfully to account for all moneys received or property coming into his possession in the capacity of his employment.

**Section 11. IMPEACHMENT AND REMOVAL OF MEMBERS OF THE BOARD**—Members of the Board may be removed from office in the manner and on the same grounds provided by the general law of this State for the impeachment and removal of officers as set out in Section 175 of the Constitution of Alabama.

**Section 12. ACCOUNTANT, EXPERT, EMPLOYED: DUTIES OF**—The Board shall at least once a year appoint an expert Accountant or firm of Accountants who shall make an examination in detail of all books and accounts of the Board to cover the period since the preceding examination, and make a full report in writing, under oath, to the Board of its finding at the Board's first meeting after the completion of such report, a copy shall also be furnished the Mayor and City Council, and the same shall be spread upon the minutes of the Board, but the same person or firm shall not be appointed or authorized to make such examination twice in succession. For this service said Accountant shall be paid such sum as may be agreed upon, which is reasonable and proper.

**Section 13. REPORTS OF BOARD TO COUNCIL**—Said Board shall make an annual report to the Council at its first regular meeting in October in each year, showing in detail the receipts and expenditures for the preceding fiscal year; the physical condition of the property under the care of said Board, and other matters of public interest connected with said Board.

**Section 14. PUBLICATION OF RECEIPTS AND DISBURSEMENTS**—The Board shall make a semi-annual publication on the second Monday of January and July of each year in a newspaper published in the City of Albertville, Alabama, of a report showing the receipts and expenditures of money of the Board specifying generally the source from which received and the purpose for which expended, such publication must also show the entire indebtedness of the public utility of whatever kind and character, specifying particularly the amount of bonds outstanding, their character and when due.

**Section 15. EXPENDITURES FOR CONSTRUCTION OR ADDITIONS**—No expenditures for any new construction, additions, or replacement of any public utility, or the equipment used by the same, shall be made by the Board where the total expense will be more than \$500.00 without the consent and approval of the City Council of the City of Albertville, Alabama.

**Section 16. FUNDS, MONEY, ETC.**—All funds of said Board shall be kept separate from the other fund of the City and in the City Depository, and the same shall be withdrawn only in such sums and at such times as the same shall be actually required for the expenditures authorized by law, and

only upon warrants signed by an employee of the utility designated by the Board and counter-signed by a member of the Board designated by the Board, and issued for claims that have been audited and ordered paid by said Board and for salaries due Board members and employees for work performed and services rendered; provided any municipal funds, including all sinking funds for the retirement of bonds, and other contingency funds not presently needed for other purposes, coming into the hands of the Board may be invested in City, County, State or Federal securities, including War Bonds, or any public improvement bonds issued by any municipality of the State of Alabama which are general obligations of such municipality, as the Board may direct provided, however, the proceedings authorizing any funding or refunding bonds may prohibit the investment of the sinking funds for such bonds and require that such sinking funds shall be used exclusively in the purchase for retirement, or in the redemption of such funding or refunding bonds.

**Section 17. COLLECTION, DEPOSIT, AND DISTRIBUTION OF MONEYS OF THE ELECTRIC DISTRIBUTION SYSTEM.**—All money collected from the sale of electric current, or received in any way from the use of the Electric Distribution System, shall be deposited in the City Depository and shall be distributed by the Board in accordance with the terms of the Power Contract between Tennessee Valley Authority and the City of Albertville, and of Ordinance No. 165 of the City of Albertville authorizing the issuance and sale of Electric System Revenue Bonds of 1938; and all funds shall be distributed by the Board as provided by said Power Contract and by said Ordinance. When the bonds issued under the authority of Ordinance No. 165 have been fully paid and discharged the Board shall no longer be controlled in the distribution of funds by said Ordinance, and in the event that said contract for power between the Tennessee Valley Authority and the City of Albertville should be altered, the said Board shall distribute the money received in accordance with such new or changed contract as may be made for the purchase of power, and in the event that restrictions with reference to the disbursement of the money received shall be eliminated from the Power Contract, then said Board shall operate said Electric Distribution System economically in accordance with the powers and duties imposed upon them by this Act and shall remit the net revenues from the operation of the said Electric Distribution System to the City of Albertville quarterly thereafter, provided a reasonable fund shall first be set aside and maintained at all times for depreciation, expansion and emergencies.

**Section 18. BOND OF DEPOSITORY.**—The Board shall require from the Depository adequate bond or securities to secure the safety of said deposit, which bond or securities shall be in the sum that the Board shall fix having due regard to the safety of the Board's funds.

**Section 19. CONTROL OF WATER WORKS, GAS OR OTHER UTILITIES IF ACQUIRED BY THE CITY OF ALBERTVILLE.**—Should the City of Albertville in the future purchase, construct, or acquire a Municipal Water System, a Municipal Gas System, or any other public utility, the Board created by this Act shall control, manage, and operate such municipally owned utility; it shall have full authority to employ and discharge a manager for the same, and to employ and discharge, or authorize such manager to employ and discharge, all such additional employees as may be needed to properly operate such utility; to operate it and collect all charges for services; it shall deposit all funds derived from the operation of such utility in the City Depository and shall pay out the same in accordance with any contract or contracts the City Council of the City of Albertville may make in acquiring the said utility or in acquiring funds for building or purchasing the same, and shall operate such utility economically and pay

the net revenues of such utility to the City of Albertville quarterly, after setting up a reasonable fund for depreciation and emergencies.

Section 20. If any clause, sentence, section or part of this Act shall be declared invalid, it shall not render the remaining parts of the same invalid, but they shall remain in full force and effect.

Section 21. This Act shall go into effect immediately upon its approval by the Governor or upon its becoming a law without his approval.

Passed and approved the 11th day of May, 1943.

J. E. CORBIN, Mayor.

Attest: A. M. ESPEY, Clerk, City of Albertville, Alabama.

5-14—4tc.

STATE OF ALABAMA,  
MARSHALL COUNTY.

Before me, Mack Killcrease, a Notary Public in and for said State and County, personally appeared J. J. Benford, who being by me first duly sworn according to law deposes and says that he is the owner and publisher of the Albertville Herald, a newspaper published in the City of Albertville, Marshall County, Alabama; that said newspaper has a general circulation in said city and county; that attached is a true, correct and complete copy of an Act hereto attached marked Exhibit "A" of the City of Albertville, Alabama, as published in said newspaper in the issues of that newspaper published on the 7th, day of May 1943, 14th, day of May 1943, 21st, day of May 1943, and the 28th, day of May 1943; that said newspaper has been so published in said county for a period of more than 52 consecutive weeks prior to the date of said first publication; and that said newspaper has been entered as 2nd. class mail matter in the United States Post Office in said city for a period of more than 52 consecutive weeks prior to the date of said first publication; that said publication has been made without cost to the State.

J. J. BENFORD,

Owner and Publisher of the Albertville Herald.

Sworn to and subscribed before me the 8 day of June, 1943.

(SEAL)

MACK KILLCREASE,

Notary Public.

Also:

By Mr. Walker:

H. 743. A bill entitled an act for the relief of J. Lee Smith, and to authorize, empower, and direct the Court of County Commissioners of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama, to pay to the said J. Lee Smith, the sum of \$1233.34 out of the general fund in the Treasury of said county, not otherwise appropriated, in order to reimburse the said J. Lee Smith for said sum paid by him on account of ex-officio fees theretofore paid to him.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

Notice is hereby given that at the present session of the Legislature of Alabama, a local bill entitled as hereinafter set forth, will be introduced and its passage sought in substance as follows; A bill entitled an act for the

relief of J. Lee Smith, and to authorize, empower, and direct the Court of County Commissioners of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama to pay to the said J. Lee Smith the sum of \$1233.34 out of the general fund in the Treasury of said county not otherwise appropriated, in order to reimburse the said J. Lee Smith for said sum paid by him on account of ex-officio fees theretofore paid to him.

Be it enacted by the Legislature of Alabama.

Section 1. That the Court of County Commissioners and the County Treasurer of Chilton County, Alabama, are hereby authorized, empowered, and directed to pay to J. Lee Smith the sum of \$1233.34 out of any money in the general fund of the Treasury of Chilton County, Alabama, not otherwise appropriated in order to reimburse the said J. Lee Smith, for the following amounts paid into said general fund of said county by J. Lee Smith on account of ex-officio fees paid to him to-wit;

April 8th, 1941, \$950.00; May 13th 1941, \$200.00; and December 15th, 1942 \$83.34, totaling \$1233.34.

Section 2. That the County Treasurer of Chilton County, Alabama, be and he is hereby directed and ordered to pay said sum on a warrant drawn out of the general funds of said county.

This May 17th, 1943.

20—4t.

J. LEE SMITH.

#### PROOF OF PUBLICATION

STATE OF ALABAMA,  
COUNTY OF CHILTON.

Personally appeared before the undersigned, a Notary Public in and for said county and state, R. M. Tucker, Publisher of the CHILTON COUNTY NEWS, a newspaper publisher at Clanton, County of Chilton, State of Alabama, who, being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in its issues of 20th day of May, 1943; 27th day of May, 1943; 3rd day of June, 1943; 10th day of June, 1943.

R. M. TUCKER,  
Publisher.

Subscribed and sworn to before me this 11th day of June, 1943.

(SEAL)

J. C. BURNETT,  
Notary Public.

Also:

By Mr. Walker:

H. 744. To Amend An Act Entitled: "AN ACT To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the passage and enactment by the Legislature of Alabama, of an act, will be sought at the present session of the Legislature of Alabama, a substantial copy of which, is as follows:

A BILL ENTITLED AN ACT  
TO AMEND AN ACT ENTITLED:  
"AN ACT

To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business, to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

Be it Enacted by the Legislature of Alabama;

That an Act entitled; "To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled," be and the same is hereby amended to read as follow:

Section 1.—That there be and it is hereby established in the County of Chilton an inferior Law Court which shall be called the Inferior Law Court of Chilton County and which shall be a Court of record and shall have and exercise concurrent jurisdiction, authority, functions and powers now conferred or which may hereafter be conferred upon the several circuit courts of the State of Alabama where the amount involved, exclusive of the interest and costs, do not exceed three hundred (\$300.00) Dollars, and shall have and exercise jurisdiction of all misdemeanors and all offenses arising or committed in Chilton County under Article 3, Title 34, Section 89 to 104, inclusive, of the Code of 1940 of Alabama and Chapter 7, Title 13, Sections 350 to 383, inclusive, of the Code of 1940 of Alabama; said Court shall have concurrent jurisdiction with the Probate Court of said county under said Titles. Said Court shall also have concurrent jurisdiction with Justices of the Peace of Chilton County of all matters whatsoever, but shall not have final jurisdiction to try persons charged with felonies.

SECTION 2.—That the said Inferior Law Court shall be held at the Court House of Chilton County and shall be open at all times for the trial of cases and the transaction of business. In case of sickness or disqualification of the judge, the law applicable to the appointment and service of special judges in the Circuit Court shall apply. The Judge of said Court shall be subject to the same penalties for failure to attend upon the Court as Circuit Judges of the State. The Judge shall keep an office in the Court House of Chilton County, Alabama, or at such other suitable place as may be provided by the Court of County Commissioners of Chilton County, Alabama, and it shall be the duty of the Court of County Commissioners of Chilton County, Alabama, to provide such office and supply the same with necessary furniture and fixtures, stationery, telephone, lights, heat and janitor service. A session of said Court for the trial of criminal cases shall be held on the first Monday in each month and at such other times as the Judge of said Court may order, and a session for trial of civil cases shall be held on the second Monday of each month. The Clerk, with the approval of the Judge

of said Inferior Law Court, is hereby authorized to purchase all necessary records, stationery and supplies for the convenience of said Court. The same shall be paid out of the County Treasury in the same manner as now provided by law for the payment of such records, stationery and supplies.

SECTION 3.—That the Clerk of the Circuit Court of Chilton County shall be ex-officio clerk of said Court and shall have the powers and discharge the duties, which will devolve upon the Clerk of the Circuit Court, and shall be subject to the same pains and penalties with regard to the duties of this office, and shall be entitled to the same fees, commissions and emoluments of office in cases wherein the amount involved is more than \$50.00 as are now or may hereafter be allowed to Circuit Court Clerks of Alabama and in cases where the amount involved is \$50.00 or less the same fees as are now or may hereafter be allowed Justices of the Peace, and the same shall be collected as such fees are collected in the Circuit Court. The clerk of the said Inferior Law Court as herein designated shall make and enter into a bond in the penal sum of Three Thousand (3000.00) Dollars for the faithful performance of his duties as Clerk of the said court, said bond to be approved by the Judge of the Inferior Law Court of Chilton County, Alabama.

SECTION 4.—The Sheriff of Chilton county shall in person, or by deputy attend upon said Court and preserve order and all processes and writs issued from said Court shall be served as from the Circuit Court of said county and the Sheriff of Chilton County and his deputy or that of his deputy in attending such Court shall receive \$3.00 per day to be paid out of the county treasury as bailiffs are paid in attending on the Circuit Court. The Sheriff shall receive the same fees for executing the processes and writs issued from said Court as provided by the law for the execution of the same processes in the Circuit Court or in the Justice Courts of the county and the same shall be collected as such fees are now or may hereafter be provided by law.

SECTION 5.—The Judge of said Court shall adopt a seal for said Court which shall be kept in the custody and control of the Clerk of the said Court.

SECTION 6.—The judge of said Court shall have power to issue search warrants, writs of habeas corpus, prohibition, certiorari, quo warranto, and all other special and extraordinary writs.

SECTION 7.—It shall be the duty of the Clerk of said Court to keep a record upon which shall be recorded all affidavits, and if any of said affidavits should be lost or destroyed, a certified copy thereof shall be used the same as the original, and the Clerk shall receive a fee of twenty-five cents for recording such affidavits to be taxed as costs in case the defendant is convicted.

SECTION 8.—The witnesses attending upon said Court shall be entitled to, and paid the same fee as are paid the witnesses in the Circuit Court of Chilton County.

SECTION 9.—That there shall be taxed against the defendant on conviction the same solicitor's or County Solicitor's fee and the same shall be collected in the way provided by law for taxing and collecting solicitor's fees in the Circuit Court and when collected shall be paid into the treasury of Chilton County, Alabama.

SECTION 10.—That the procedure practice and rules governing the Circuit Courts of Alabama shall in all things apply to and govern the procedure and practice in said court of Chilton County, except as herein otherwise provided.

SECTION 11.—Prosecutions for misdemeanors committed in Chilton County may be instituted in this Court by making an affidavit before the Judge the writ on said affidavit to be issued by the Clerk of said Court, and

when the defendant is arrested on said affidavit, said case shall go on the docket or trial, and be tried as though the defendant had been indicted by a Grand Jury.

SECTION 12.—In all civil actions commenced in said Court the defendant shall appear, plead, answer or demur within fifteen days from the service of the summons or writs or be in default, and the Judge of said Court shall, after such default, on motion of the plaintiff, ascertain the amount due in said cause and render judgment for the plaintiff accordingly.

SECTION 13.—In all civil actions in said Court, interrogatories, as provided by law and depositions, may be filed and taken by the parties in like manner as same are filed and taken in the Circuit Court and all laws applicable to interrogatories and depositions in the Circuit Court shall apply and govern in said Court, however, the answer to the interrogatories shall be filed in said cause with in fifteen days after the service of the same.

SECTION 14.—It shall be the duty of the Deputy Solicitor or County Solicitor of Chilton County, Alabama, to attend the Criminal session of said Court and shall prosecute for the State all causes in said court. That in the absence of the Deputy Solicitor or County Solicitor, the Judge of said Court may appoint a special Deputy Solicitor or County Solicitor to represent the State in cases that the Solicitor for said court is required to represent the State in and shall receive for his compensation Five Dollars for each day or fraction thereof, for the time actually engaged under said appointment.

SECTION 15.—Any party feeling aggrieved from the judgment of said Court rendered in any civil cause, may appeal from said judgement to the Circuit Court of Chilton County, Ala., by giving security for the costs, the same to be approved by the Clerk or Judge of said Inferior Law Court or if the party desiring to appeal, wishes to supersede the judgment of said Court, then he may give security for cost and a supersedeas bond in double the amount of the judgment, to be approved by the Judge or Clerk of said Court. All appeals from judgments in civil causes in said court shall be taken to the Circuit Court within thirty days after the rendition of the judgment, and all appeals taken from said Court shall be tried denovo in the Circuit Court in any case appeal from said Inferior Law to the Circuit Court. The appellant, within, ten days, after the perfection of his appeal and the appellee, within ten days after notice of appeal is served on him, may have the issues of fact tried by a jury in the Circuit Court by filing with the Clerk of the Circuit Court a written demand for a trial of said cause by a jury.

SECTION 16.—In all criminal cases of conviction in said Inferior Law Court of Chilton County the defendant shall have the right of appeal to the Circuit Courts of Chilton County on entering into bond, with sufficient surety, to appear at the term of the Court to which the appeal is taken and from term to term until discharged, the bond to be is such penalty as the Judge of the said Inferior Law Court may prescribe, and to be approved by Judge or Clerk of said Court. If the defendant does not make the bond required, he shall remain in custody.

SECTION 17.—Writs of garnishment may issue out said Court in aid of pending suits filed therein or upon judgments rendered in said Court as now provided in Circuit Court except, however, the answer of the garnishee shall be filed within fifteen days after the service of the Writ of Garnishment.

SECTION 18.—That the Judge of said Inferior Law Court shall be a qualified elector of Chilton County, Alabama; shall be learned in the law and shall not be less than twenty-five years of age; and shall be prohibited from engaging in the practice of law in the Courts of this State. Said Judge shall take and file with the Judge of Probate of Chilton County, Alabama the oath of the office required of Circuit Judges. The Judge of said Court



may be removed from office, or impeached in the manner now provided for the removal of Circuit Judges.

SECTION 19.—The said Inferior Law Court or Judge thereof may punish for contempt by fine not exceeding Fifty Dollars and by imprisonment not exceeding five days, one or both.

SECTION 20.—In case of a vacancy in the office of the Judge of the Inferior Law Court of Chilton County, Alabama, the same shall be filled by appointment of the Governor and the Judge appointed shall hold office until the next general election thereafter.

SECTION 21.—That the Judge of said Court shall receive a salary of twenty-four Hundred Dollars per year, payable Two Hundred Dollars per month, out of the General Funds of the Treasury of Chilton County, at the end of each month payable on warrant drawn by the Judge of Probate.

SECTION 22.—In all trials, both civil and criminal, in said Inferior Law Court of Chilton County, Alabama, the Judge shall determine both the law and facts without the intervention of jury, except as herein otherwise provided, and shall award the judgment and fix the punishment, which the character of the offense demands and in default of the payment of any fine and costs, the defendant shall be sentenced to serve the same as provided by law for the sentencing of persons in the Circuit Court.

SECTION 23.—That within ten days after the passage and approval of this Act a special election shall be called by the Judge of Probate of Chilton County and held in Chilton County, Alabama, within forty-five days after issuing of said call, the expenses to be paid out of the General Funds of said County for the purpose of electing a Judge of the Inferior Law Court of Chilton County, Ala., by the qualified electors thereof, who shall assume the duties of the office of the Judge of said Court immediately after said special election and hold office until the second Tuesday of January, 1945, and until his successor is elected and qualified. That the successor in office to said Judge shall be elected at the General Election to be held on the second Tuesday of November, 1944, and the Judge of said Court shall be elected every four years thereafter and shall hold office until his successor is elected and qualified. That at said special election any person desiring to become a candidate for the office of the Judge of said Court may do so by filing with the Judge of Probate of Chilton County a petition setting forth that he is candidate for the Judge of said Court at said special election and said petition being signed by twenty-five qualified electors of Chilton County, Alabama, and it shall be the duty of the Judge of Probate to place on the ballot for said special Election, the names of all persons qualified under the provision of this act as candidates for the office of the Judge of said Court who file said petition with him fifteen days prior to the holding of said special election and the person receiving the largest number of votes in said election for said office shall be declared elected Judge of said Court. After said Special Election nominations and elections for Judge of said Court shall be made as nominations and elections of all other County Officers are made for Chilton County, Alabama.

SECTION 24.—That if any section, clause or paragraph of this Bill shall be declared unconstitutional and void the same shall not affect any other section, clause or paragraph which is not unconstitutional and void.

SECTION 25.—That all laws, general, special, or local, in conflict with the provision of this Act are hereby expressly repealed.

SECTION 26.—This Act shall become effective upon its final passage and approval by the Governor.

## PROOF OF PUBLICATION

STATE OF ALABAMA,  
COUNTY OF CHILTON.

Personally appeared before the undersigned, a Notary Public in and for said county and state, R. M. Tucker, Publisher of the CHILTON COUNTY NEWS, a newspaper publisher at Clanton, County of Chilton, State of Alabama, who, being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in its issues of 20th day of May, 1943; 27th day of May, 1943; 3rd day of June, 1943; 10th day of June, 1943.

R. M. TUCKER,  
Publisher.

Subscribed and sworn to before me this 14th day of June, 1943.  
(SEAL)

J. C. BURNETT,  
Notary Public.

Also:

By Mr. Smyer:

H. 729. Relative to redemption price of property acquired by cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census through foreclosure of public improvement assessment liens.

Also:

By Mr. Smyer:

H. 731. To delegate cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census unlimited police power for exercise through the adoption of ordinances having application within the corporate limits and police jurisdiction thereof.

Also:

By Mr. Smyer:

H. 730. To confer power of condemnation upon cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House were severally read one time and referred to appropriate Standing Committees as follows:

House bills 720, 758, 750, 734, 744, 729, 731 and 730, to the Committee on Local Legislation.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the body in which this bill originated, Senate Bill No. 208, without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend Section 2 of said bill so as to read as follows:

"Section 2. The County Solicitor hereby created shall be elected by the qualified electors of the County of Cherokee at the General Election to be held for the election of state and county officers in November, 1946, and every four years thereafter, and shall hold office for a term of four years beginning on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. Immediately upon the approval of this Act by the Governor, the Governor shall appoint a County Solicitor who shall hold office until the first Monday after the second Tuesday in January, 1947, and until his successor is elected and qualified."

Respectfully,

CHAUNCEY SPARKS,

Governor.

June 17, 1943.

## GOVERNOR'S MESSAGE

On motion of Mr. Cobb, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, S. 208, which amendment is set out in the foregoing Message from the Governor, to-wit:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Hill	Shaver
Benson	Dodson	Hornsby	Sherrer
Bentley	Espy	McCary	Simpson
Bradford	Garrett	Newton	Smith
Carlton	Henderson	Pinson	Toomer
Cater	High	St. John (Lawrence)	Walton

—23

Nays:

—0

Which was a majority of the whole number elected to the Senate.

And said bill, S. 208, as thus amended by the amendment of His excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	Shaver
Benson	Dodson	Hornsby	Sherrer
Bentley	Espy	McCary	Simpson
Bradford	Garrett	Newton	Smith
Carlton	Henderson	Pinson	Toomer
Cater	High	St. John (Lawrence)	Walton

—23

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$6,000.00 per annum for purposes not otherwise provided by law.

By a majority of the whole number elected to the House, the vote being: Yeas, 72; Nays, 0.

And said bill, S. 182, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 72; Nays, 0.

And said bill, S. 182, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### BILLS ON THIRD READING

The bill:

S. 324. To amend Section 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

Was taken up.

Mr. Bradford offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 324 by striking from said Bill Section 2 as same now appears in said Bill, and substitute in lieu thereof the following.

Section 2. That Section 675 of Title 2 of the Code of Alabama of 1940, be and the same is hereby amended so as to read as follows:

Section 675. Bond.—The state board of agriculture and industries must require each applicant to furnish a satisfactory fidelity bond payable to the State of Alabama and filed with the Commissioner of Agriculture and Industries and approved by him in the sum of \$2,500.00 and conditioned that the principal therein named shall honestly and in a skillful and workmanlike manner conduct and practice his said business or profession. It shall be mandatory that the licensee give such bond in the sum of twenty-five hundred dollars, to be so conditioned to be valid and effective for a period of five years; and any person or operator so engaging in the treatment of any buildings or structures for subterranean termite eradication or subterranean termite control shall be required to secure and carry in a fire insurance company, qualified to do business in the State of Alabama, a blanket insurance policy in the sum of five thousand dollars for the protection and insurance of the owner or owners of any such building or structure so treated against any explosion or fire loss or explosion or fire damage proximately caused by such treatment of such building or in the act of so treating such building or structure for subterranean termite eradication or control. The failure or refusal of the principal to comply with the terms of his contract shall constitute a breach of said bond; and any person having a right of action against the principal in such bond arising out of or in the practice of professional work or services as defined in Section 672, Title 2, of the Code of Alabama of 1940, may bring suit against the principal and sureties on such bond in the county where the work was done. Should the surety furnished on such bond become unsatisfactory to the commissioner of agriculture and industries said principal shall execute a new bond, and should he fail to do so within ten days after notice, it shall be the duty of the commissioner of agriculture and industries to cancel his permit or license and to give him notice of said fact; and it shall be unlawful thereafter for such person to engage in said business without obtaining a new permit or license.

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Sherrer	
Bentley	Espy	Kilborn	Simpson	
Bradford	Garrett	Lawson	Smith	
Carlton	Henderson	Madison	Taylor	
Cater	High	McCary	Walton	
Cobb	Hornsby	Shaver		—22

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	High	McCary	Smith	
Cater	Hornsby	St. John (Lawrence)	Toomer	
Cobb	Kelly	Shaver	Walton	
Dodson	Kilborn			—21

*Nays:* —0

The bill:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; to authorize the Alabama State Board of Agriculture to determine the availability of the necessary ingredients; to define the terms used herein; to fix active enforcement date; and to fix penalties for violation of same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 1.

*Yeas:*

Messrs.:	Carlton	Espy	High
Bentley	Cater	Garrett	Hornsby
Bradford	Cobb	Henderson	Kelly

Kilborn	McCary	St. John (Lawrence)	Toomer	
Lawson	Newton	Shaver	Walton	
Madison	Pinson	Simpson		—22

Nay: Mr. Sherrer —1

The bill:

S. 153. To amend Section 755, Sub-section (f), Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Bradford	Henderson	McCary	Simpson	
Carlton	High	Newton	Toomer	
Cater	Hornsby	Pinson	Walton	
Dodson	Kelly	St. John (Lawrence)		—22

Nays: —0

The bill:

S. 154. To amend Section 755, Sub-section (h), Title 51, of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Agriculture offered the following amendment to the bill, to-wit:

Amend S. B. 154 by adding at the end of (h) thereof the following:

“Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable the gross proceeds of the Sale or Sales of plants, seedlings, nursery stock or floral products.”

Which was adopted.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Garrett	Madison	Shaver	
Bentley	Henderson	McCary	Sherrer	
Carlton	High	Newton	Simpson	
Cater	Hornsby	Pinson	Toomer	
Dodson	Kelly	St. John (Lawrence)	Walton	
Espy	Lawson			—21

Nays: —0

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Bentley	Espy	Lawson	Sherrer	
Bradford	Garrett	Madison	Simpson	
Carlton	Henderson	McCary	Toomer	
Cater	High	Pinson	Walton	
Cobb	Hornsby	St. John (Lawrence)		—22

*Nays:*

—0

The bill:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for violation of the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 1.

*Yeas:*

Messrs.:	Espy	Lawson	St. John (Lawrence)	
Bentley	Garrett	Madison	Shaver	
Bradford	High	McCary	Simpson	
Carlton	Hornsby	Newton	Toomer	
Cater	Kelly	Pinson	Walton	
Dodson				—20

*Nay:* Mr. Sherrer

—1

The bill:

S. 352. To provide for a refund of a certain portion of the State excise tax on gasoline when the gasoline is used for agricultural purposes; to provide for the manner of effecting such refund; to authorize the Commissioner of Revenue to make rules and regulations to carry out the provisions of this act; to make the violation and the rules and regulations promulgated hereunder a misdemeanor, and to provide for the punishment therefor.

Was taken up.

Mr. Carlton moved that further consideration of the bill be postponed until the fiftieth day, and on motion of Mr. Walton, the motion to postpone was laid on the table.

Yeas, 23; Nays, 3.



*Yeas:*

Messrs.:	Garrett	Lawson	Shaver
Benson	Henderson	Madison	Sherrer
Bentley	High	McCary	Simpson
Cater	Hill	Newton	Smith
Dodson	Hornsby	Pinson	Toomer
Espy	Kelly	St. John (Lawrence)	Walton

—23

*Nays:* Messrs.: Bradford, Walton and Cobb

—3

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Garrett	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Lawrence)	

—26

*Nays:*

—0

Mr. Walton then moved that the Senate reconsider the vote by which it just passed the bill, S. 352, and moved to lay the motion to reconsider on the table. The motion to table prevailed.

The bill:

S. 363. To ratify and confirm expenditures heretofore made by the several counties and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Dodson			

—24

*Nays:*

—0

The bill:

S. 361. To amend Section 428, Title 37, Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 3.

*Yeas:*

Messrs.:	Dodson	Hornsby	Shaver
Benson	Espy	Kelly	Sherrer
Carlton	Garrett	Lawson	Simpson
Cater	Henderson	Pinson	Smith
Cobb	High	St. John (Lawrence)	Toomer

—19

*Nays:* Messrs.: Bentley, McCary and Walton

—3

The bill:

S. 360. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriate by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Was taken up.

Mr. Henderson offered the following amendment to the bill, to-wit:

Amend S. 360 by inserting after the word "therefrom" in the second sentence in Section 3 of said bill the following "by the State Treasurer on request of the Highway Director, with the approval of the Governor."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Sherrer
Bradford	Henderson	McCary	Simpson
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby		

—25

*Nays:*

—0

Mr. Henderson offered the following amendment to the bill, to-wit:

Amend Section 5 of Senate Bill 360 by inserting after the phrase therein "62-72" the following phrase "or any General or Local Act under which a professional licensed engineer is employed and approved by the State Highway Department."

Which was adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Benson	Espy	Lawson	Sherrer	
Bentley	Garrett	Madison	Simpson	
Bradford	Henderson	McCary	Smith	
Carlton	High	Newton	Toomer	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby	St. John (Lawrence)		—26

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Shaver	
Benson	Garrett	Madison	Sherrer	
Bentley	Henderson	McCary	Simpson	
Bradford	High	Newton	Smith	
Carlton	Hill	Pinson	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Dodson	Kelly			—25

*Nays:*

—0

The bill:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of the sale of United States War Bonds and Stamps, and to limit its expenditures.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	Pinson	
Benson	Espy	Kelly	St. John (Lawrence)	
Bentley	Garrett	Lawson	Sherrer	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Walton	
Cater	Hill			—21

*Nays:*

—0

The bill:

S. 260. To amend Section 194, Title 46, of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 2.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Cater	High	Madison	Sherrer
Dodson	Hill	Newton	Smith
Espy	Hornsby	Pinson	Walton

—19

*Nays:* Messrs.: Cobb and Simpson

—2

The bill:

S. 258. To amend Section 198, Title 46, of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nay, 1.

*Yeas:*

Messrs.:	Dodson	Hornsby	Pinson
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Bradford	Henderson	Madison	Sherrer
Carlton	High	McCary	Smith
Cater	Hill	Newton	Walton

—23

*Nay:* Mr. Simpson

—1

## RESOLUTION

The Rules Committee offered the following resolution, to-wit:

S. R. 58. Resolved by the Senate that upon the call of the Calendar for the next Legislative day the Secretary shall call the roll of the Senate alphabetically and each Senator will be allowed to call all his local bills and one general bill on the Calendar for passage.

Upon completion of the call of the roll the order of business shall revert to the regular Calendar.

Which was adopted.

## REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the forty-fifth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the forty-fifth day approved by the Senate.

## ADJOURNMENT

At 9:45 P. M., on motion of Mr. Bradford, the Senate adjourned until tomorrow, Friday, June 17, 1943, at 9 o'clock A. M.

## FORTY-SIXTH DAY

Friday, June 18, 1943.

The Senate met pursuant to adjournment President Tro-Tem. Mr. Simpson presiding.

## PRAYER

The session was opened with Prayer by Rev. A. B. Carlton, of the Methodist Board of Montgomery.

## ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

## JOURNAL

On motion of Mr. Bentley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Cater:

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

is hereby given that a Bill will be introduced for passage in the present session of the Legislature of Alabama which is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That in Montgomery County, Alabama, it shall be a necessary requirement to hold the office of coroner, that such person as may be elected, shall be a qualified voter.

Section 2. That the coroner of Montgomery County, Alabama, shall perform all of the duties now required of the coroner by the laws of Alabama; and in addition thereto it shall be the further duty of such coroner to report in writing the result of his findings, at all inquisitions held by him, said report to be filed with the Solicitor of the county at the end of each month; it shall be the further duty of such coroner when called to conduct an inquisition into the death of a deceased person, to take possession of the body of the deceased together with his or her personal effects, and hold same in a suitable place until claimed by the relatives, administrators, executors or heirs of the deceased, or as otherwise provided by law.

Section 3. That the coroner of Montgomery County, Alabama, shall receive for his compensation the sum of Eighteen Hundred Dollars per annum, and a further sum of Six Hundred Dollars per annum for necessary medical expenses and ex-officio duties of said Coroner, which sums shall be payable in equal monthly installments out of the general fund of the county upon warrants issued by the Board of County Commissioners or Board of Revenue in said County.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 5. That this Act shall become effective immediately upon its approval by the Governor.  
May 27, June 3-10-17, 1943

## PROOF OF PUBLICATION

STATE OF ALABAMA,  
MONTGOMERY COUNTY,

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 27th and June 3-10-17, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 17th day of June, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

By Mr. Cater:

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of

certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

WHEREAS, the city of Montgomery, Alabama, has paid and is legally liable to pay sums of money aggregating Three Thousand Four Hundred Fifty-one and thirty-four one hundredth (\$3,451.34) Dollars, for the improvement by paving of certain streets or avenues of the City of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and,

WHEREAS, said improvement has inured to the benefit of the State of Alabama by increasing the value of its said real estate, and if said real estate was not owned by the State of Alabama it would be liable for said payments and,

WHEREAS, there is no provision whereby the City of Montgomery, Alabama, is entitled to be paid or reimbursed for said sum of money;

Be It Enacted By The Legislature Of Alabama:

Section 1. That the City of Montgomery, Alabama, is entitled to relief for moneys paid by it and for moneys to be paid by it aggregating Three Thousand Four Hundred Fifty-one and thirty-four one hundredth (\$3,451.34) Dollars, for the improvement by paving of certain streets or avenues of the City of Montgomery, Alabama, upon which streets or avenues real estate of the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama.

Section 2. There is hereby appropriated out of the general treasury of the State of Alabama the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth (\$3,451.34) Dollars to be paid to the City of Montgomery, Alabama, for its relief as set forth in Section 1 of this Act.

Section 3. The moneys appropriated by Section 2 of this Act shall be paid to the City of Montgomery, Alabama, on a warrant drawn by the State Auditor on the Treasury of the State of Alabama.

Section 4. This act shall become effective on the date of its approval by the Governor.

May 28, June 3-10-17, 1943.

#### PROOF OF PUBLICATION

#### STATE OF ALABAMA, MONTGOMERY COUNTY.

Before me, Louise S. Champion, a notary public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 27th and June 3-3-10-17, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 17th day of June, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

By Mr. Cater:

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring al-



lowance plan for the employees of said County, but not for the elective officials.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Be it enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Montgomery County, Alabama, is hereby authorized and required to provide a pension or retiring allowance plan for the employees of said County, including the employees in the Health, Welfare and Extension Departments provided they be not included under some other pension plan; and, to allow present County employees who have heretofore been employees of this County's school system, provided they be not included under some other pension plan, to count such service as having been rendered continuously in their present positions; and, also allowing County employees who serve in the military or naval forces of this country between service periods for this County to count such service as having been rendered this County. This Act shall not be construed or interpreted to provide a pension for elective officials.

Section 2. Any such employee of Montgomery County who shall have been in the service of said County for as long as twenty-four (24) consecutive years or who shall have been in the service thereof for as long as twenty-eight (28) years, the last sixteen (16) years of which have been consecutive and the other twelve (12) years for which credit is sought was in terms of not less than four (4) consecutive years, upon making written application therefor to the Board of Revenue of Montgomery County, shall be retired from said employment service of this County, and upon such retirement, such retired employee shall be paid, and the Board of Revenue of said County shall order and direct the payment of such employee, monthly or otherwise during the remainder of his or her natural life, a sum equal to one-half of the highest monthly compensation paid to such employee from the funds of this County during his or her service period. Provided no monthly pension, or retiring allowance plan provided in this Act shall amount to more than one hundred (\$100.00) Dollars per month to any such retired employee.

Section 3. Upon recommendation of any employing official of said County, whether elective or appointive, the Board of Revenue may after giving thirty days notice in writing to an employee who is eligible for retirement, and after reasonable investigation, if said Board is convinced that any such employee has become unable physically, mentally or otherwise to per-

form efficiently the duties assigned to him or her, the Board of Revenue may order such employee retired as provided in Section 2 of this Act.

Section 4. Payments under this Act to retired County employees shall be made in the same manner and at the same times and from the same fund as payments of salaries and compensation are made to regular active employees of the Department in which such employee was employed by this County.

Section 5. Nothing included in this Act shall be considered or construed to take from the elective officers of this County including the Board of Revenue and/or its duly uthorized agents, the power to dismiss from the service of this County any of his or their active employees who for any cause fails or refuses to render faithful and/or efficient service.

Section 6. The Board of Revenue of Montgomery County shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authority itself.

Section 7. There shall be kept by the Clerk of the Board of Revenue a book to be known as the "Register of Retired Employees." This book shall contain a complete record of the services of said employees together with copy of action of the Board of Revenue of said County, in retiring any and all employees under this Act. The retirement of any employee under the provisions of this Act shall be by Resolution of the Board of Revenue of the County which shall be spread upon its minutes.

Section 8. In case of any dispute arising out of or over the provisions of this Act, or the interpretation of any of the provisions thereof, the decision of the Board of Revenue shall be final and conclusive.

Section 9. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in any wise subject to garnishment or levy of execution or attachment or other process issued out of or by any court of this state, or any other state, so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 10. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared unconstitutional it shall not affect the remaining part or parts of this Act.

Section 11. This Act shall take effect on its approval by the Governor or otherwise becoming a law.  
May 27, June 3-10-17, 1943.

#### PROOF OF PUBLICATION

STATE OF ALABAMA,  
MONTGOMERY COUNTY.

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 27th and June 3-10-17, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice

at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 17th day of June, 1943.  
(Signed) LOUISE S. CHAMPION,  
Notary Public.

By Mr. Hill:

S. 402. To amend Section 155, Title 55, of the Code of Alabama of 1940.

Committee on Banking.

By Mr. Carlton:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.

Committee on Finance and Taxation.

By Mr. Henderson:

S. 404. To appropriate the sum of \$100,000, or so much of said sum as may be necessary to properly furnish, install and equip the Chambers of the Senate and House of Representatives in the Capitol Building in Montgomery, Alabama, with Electric Roll-Call Systems.

Committee on Finance and Taxation.

#### REPORTS OF COMMITTEES.

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pruet:

H. 408. To propose an amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama as amended by amendment XXXV; to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held at the general election next succeeding the session of the Legislature at which this amendment is proposed, and, to provide for the notice to be given by the Governor for the holding of said election.

The above bill was read a second time at length as required by the Constitution.

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favor-

able report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Beebe (with substitute):

H. 270. In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children and for the purpose of eliminating unnecessary school building construction costs by providing for review by the chief state school architect and approval by the state superintendent of education of all plans and specifications for public school buildings prior to construction of such buildings; by providing for preliminary and final inspection of such buildings by the state superintendent of education, or his agent, before final payment for said buildings is made; by providing that no contract made by a county or city board of education relating to school building construction is valid unless the contemplated building project is included in the annual capital outlay program required by the Minimum Program Law to be filed with the state superintendent of education; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund; and by providing penalties for the violation of the provisions of this act.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rains:

H. 391. To amend Section 117 of Title 28, Code of Alabama of 1940.

By Messrs. St. John (Cullman) and Smith (with substitute):

S. 362. To further regulate insurance companies doing business or writing policies covering property and risks within the incorporated municipalities, and the police jurisdiction thereof, in the State of Alabama.

By Messrs. Gwin, Smyer, Edwards, Hodo, Sessions, Chichester and Snyder:

H. 554. To amend Section 732, Title 37 of the Code of 1940.

By Mr. McCary:

S. 375. To amend Section 94, Title 17, of the Code of Alabama, 1940.

By Mr. McCary:

S. 307. To provide for the refunding of revenue bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporation to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harris:

H. 524. To repeal Section 271 of Title 28 of the Code of Alabama, 1940.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo and Snyder:

H. 639. To amend Section 26, Title 17, Code of Alabama of 1940.

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo and Snyder:

H. 640. To amend Section 27, Title 17, Code of Alabama of 1940.

By Messrs. Smyer, Gwin, Sessions, Edwards, Chichester, Hodo and Snyder:

H. 641. To apply only to employees who are subject to the provisions of Chapter 12 (Sections 133 to 159, inclusive) of the 1940 Code of Alabama; and to provide that in the event (a) an employee resigns from a position for the purpose of becoming a candidate for nomination or election to a public office, and (b) within the six month period next succeeding the day of his resignation he is reinstated to the eligible list for said position, and (c) thereafter and still within the six month period next succeeding the day of his resignation he is reappointed to said position, and (d) the position has not been filled between the day of his resignation and the day of his reappointment—then, the employee shall be considered for all purposes as having been on leave of absence during the period of time between the day of his resignation and

the day of his reappointment; and to further provide that this Act shall apply both retrospectively as well as prospectively, except, however, that in so far as this Act will operate to increase the rate of pay of any present employee, such increased rate of pay shall commence only on the day on which this Act becomes a law.

By Mr. Gwin (with notice and proof):

H. 580. To amend Sections 2, 7, 10, 11, 13, 14, 25, 26 and 27 of an act of the Legislature, approved September 7, 1935, entitled "An Act to establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same."

By Mr. Smyer:

H. 530. To provide for appeals to the circuit court in counties having a population of 400,000 or more according to the last or any subsequent Federal census, from decisions of the Board of Equalization in such counties; and to provide for proceedings and procedure in the circuit court, on such appeals.

By Mr. Stell (with notice and proof):

H. 718. To authorize the members of the Court of County Revenue of Franklin County, Alabama, to be paid by said county the same compensations and allowances as are paid or allowed to commissioners of other counties of Alabama under general law.

By Messrs. Rains and Allen (with notice and proof):

H. 717. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

By Mr. Deason (with notice and proof):

H. 703. To fix the salary of the County Superintendent of education of Walker County, Alabama.

By Mr. High:

S. 386. To provide for the employment of and to fix the salary of the probate clerks in those counties having two courthouses, in which the probate judge is required to maintain a branch office.

By Mr. Thomas (with notice and proof):

H. 738. Relating to the salaries of the officers of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, to fix the salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, and to fix the maximum amount of the respective salaries to be received by the Probation Officers of said Juvenile and Court of Domestic Relations—Montgomery County, Alabama.

By Mr. Carter (with notice and proof):

H. 720. To further regulate the fine and forfeiture fund of Marshall County, Alabama, the manner of payment of all fines and forfeiture due said County: to require the reregistration and provide for the payment of all claims heretofore registered, and which could on the passage and approval of this bill be used in the payment of any fine or forfeiture due said County, in the same order of their present registration and to provide the time of their reregistration; to fix a time for and require the registration of all other claims; to provide that all claims not hereafter reregistered or registered as provided by this act are to be forever barred; to provide that any and all fines and forfeitures may be paid in such reregistered or registered claims or in money; to provide for a commission to be paid in money to the clerk of 5% of all such claims received by him in payment of any fine or forfeiture due the County of Marshall and for remitting the same, as if said fine or forfeiture had been paid in money; to provide that all fines and forfeitures shall be paid in money or in such reregistered claims, which could prior to the passage and approval of this bill be so used; to provide that any and all balances in cash in the fine and forfeiture fund of said County, after the payment of all such reregistered and all such registered claims, shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear as witnesses before the Grand Jury or for the state in criminal cases in Circuit Court where there is no indictment returned and/or no conviction had in such criminal case, and to provide that after the payment of all reregistered and registered claims and of such mileage and per diem of such witnesses that all balances in the fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said county: to provide that only claims reregistered or registered prior to January 1, 1944 shall be accepted as payment for or on any fine or forfeiture due said county: to provide that this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935, (Local acts of Alabama 1935 page 212), and to provide that if any provision of this act is unconstitutional that such unconstitution-

ality shall not affect the remaining provisions of this act; and to provide that this act shall become effective upon its passage and approval.

By Mr. Carter (with notice and proof):

H. 734. To create the Municipal Utilities Board of Albertville; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Albertville by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide for the investment of sinking funds for the retirement of bonds or other contingency funds coming into the hands of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions, or replacements to the electric plant, where the amount to be expended is more than \$500.00 the expenditure must be approved by the City Council of the City of Albertville; to provide for an annual audit and semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas, or other utilities if same should in the future be acquired by the City of Albertville; to provide for the management and operation of such other utilities; and to provide for reports of the Board to the City Council.

By Mr. Walker (with notice and proof):

H. 743. A bill entitled an act for the relief of J. Lee Smith, and to authorize, empower, and direct the Court of County Commissioners of Chilton County, Alabama, and the Treasurer of Chil-



ton County, Alabama, to pay to the said J. Lee Smith, the sum of \$1233.34 out of the general fund in the Treasury of said county, not otherwise appropriated, in order to reimburse the said J. Lee Smith for said sum paid by him on account of ex-officio fees theretofore paid to him.

By Mr. Sightler (with notice and proof):

H. 750. To authorize the governing body of Montgomery County, Alabama to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax; and to repeal an Act entitled an Act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said County gasoline or any devices or substitutes therefor. The tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said County, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this Act and to fix penalties for the violation of any provision of this Act, and to provide for the disposition and use of this tax", approved March 1, 1939.

By Mr. Stone:

H. 629. To provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred twenty-five thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide for the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers.

By Mr. Newton:

S. 394. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,977 inhabitants and not more than 21,912 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such

courts of county commissioners or other governing bodies for such additional duties.

Mr. Cater, Chairman of the Standing Committee on Immigration, Industrial Resources and Labor, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cater:

S. 396. To amend Title 26, Section 349 of the 1940 Code of Alabama.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Deason, Black, Ard, Kirby, and Hankins:

H. 262. To propose an Amendment to the Constitution of Alabama.

Be It Enacted By The Legislature of Alabama:

Section 1. That an amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama at the next general election to be held after the passage of this Act and not less than 90 days after the final adjournment of the session of the legislature at which this law is enacted, which amendment is as follows, viz: effective on the first day of the second month after the adoption of this amendment by the people, there is hereby levied a license or privilege tax in addition to that now levied by law against the persons and on account of the business activities defined in Section 752 to 786 inclusive Title 51, Code of Alabama of 1940 (hereinafter referred to as the Sales Tax) and there is hereby levied an excise tax in addition to that now levied by law against the persons and on account of the business activities defined in Sections 787 to 811 inclusive of the Code of Alabama of 1940 (hereinafter referred to as the Use Tax), each of said taxes to be in an amount equal to one per cent of the amount on which said Sales Tax and Use Tax shall be levied, hereafter from time to time be levied. Said Tax shall be levied, assessed and collected by the same agencies, on the same taxpayers, at the same times and in the same manner in all other respects as said Sales Tax and said Use Tax are, from time to time levied, assessed and collected. Four-fifths of said tax shall, when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the Department of the State administering the program of assistance to the aged and shall be by said Department used exclusively for old age assistance purposes and shall be treated

as if expressly appropriated by the Legislature for that purpose and one-half shall by the Treasurer of the State be remitted to the counties of Alabama in proportion to their population sixty-five years of age and over as shown by the then last federal census. One-fifth of said tax shall, when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the Department of the State then administering the program of assistance to those public welfare purposes other than the program of assistance to the aged and shall be treated as if expressly appropriated by the Legislature for such purposes and shall be used by said Department for such purposes in such proportion as the Department or the Legislature may from time to time provide, and one-half shall by the Treasurer of the State be remitted to the Counties of Alabama in proportion to their population of the classes to be benefitted as shown by the then last federal census. The levy, collection and disbursement of this tax shall be effective without any enabling Act of the Legislature but the Legislature may implement and aid the administration of this amendment by any Act not inconsistent with the provisions hereof and it is expressly provided that any legislative change in the methods of levying, assessing or collecting or in the activities or commodities made subject to or exempt from said Sales Tax and Use Tax shall at the time same become effective with respect to said Sales Tax and Use Tax be effective as to the tax levied hereby except that if said Sales Tax and Use Tax be repealed in whole or substantial part, the tax levied hereby shall from the date of said repeal, be effective on the activities and on the commodities on which said Sales Tax and Use Tax are effective at the time this amendment is adopted by the people.

Section 2. Notice of the said election and the amendment hereby proposed, shall be given by proclamation of the Governor, which proclamation shall be published in one newspaper in every county in the State once a week for at least four successive weeks next preceding the day of said election.

Section 3. At the said election, the qualified electors shall vote on such proposed amendment, and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama? Effective on the first day of the second month after the adoption of this amendment by the people, there is hereby levied a license or privilege tax in addition to that now levied by law against the persons and on account of the business activities defined in Sections 752 to 786 inclusive Title 51, Code of Alabama of 1940 (hereinafter referred to as the Sales Tax) and there is hereby levied an excise tax in addition to that now levied by law against the persons and on account of the business activities defined in Sections 787 to 811 inclusive of the Code of Alabama of 1940 (herein-

after referred to as the Use Tax), each of said taxes to be in an amount equal to one per cent of the amounts on which said Sales Tax are now and may hereafter from time to time be levied. Said tax shall be levied, assessed and collected by the same agencies, on the same taxpayers, at the same times and in the same manner in all other respects as said Sales Tax and said Use Tax are, from time to time levied, assessed and collected. Four-fifths of said tax shall, when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the Department of the State administering the program of assistance to the aged and shall be by said Department used exclusively for old age assistance purposes and shall be treated as if expressly appropriated by the Legislature for that purpose and one-half shall by the Treasurer of the State be remitted to the counties of Alabama in proportion to their population sixty-five years of age and over as shown by the then last federal census. One-fifth of said tax shall, when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the Department of the State then administering the program of assistance to the aged and shall be treated as if expressly appropriated by the Legislature for such purposes and shall be used by said Department for such purposes in such proportions as the Department or the Legislature may from time to time provide, and one-half shall by the Treasurer of the State be remitted to the Counties of Alabama in proportion to their population of the classes to be benefitted as shown by the then last federal census. The levy, collection and disbursement of this tax shall be effective without any enabling Act of the Legislature but the Legislature may implement and aid the administration of this amendment by any Act not inconsistent with the provisions hereof and it is expressly provided that any legislative changes in the methods of levying, assessing or collecting or in the activities or commodities made subject to or exempt from said Sales Tax and Use Tax shall at the time same become effective with respect to said Sales Tax and Use Tax be effective as to the tax levied hereby except that if said Sales Tax and Use Tax be repealed in whole or substantial part, the tax levied hereby shall from the date of said repeal, be effective on the activities and on the commodities on which said Sales Tax and Use Tax are effective at the time this amendment is adopted by the people. (Yes—) (No—).

Section 4. The officers to hold the said election shall be the same officers who are appointed to conduct and who shall conduct the general election held on the date on which said amendment is to be voted on, and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

Section 5. The vote cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State

and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of the State of Alabama. The result of such election shall be known by a proclamation of the Governor. Provided however, any person otherwise eligible to participate in the funds as provided for in said Bill, who is drawing dependent Compensation from the Federal Government of the United States of America, shall not be eligible to participate in the funds as provided for in this Act.

And ordered same sent forthwith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time at length as required by the Constitution, and referred to appropriate Standing Committee as follows:

H. 262, to the Committee on Constitution and Constitutional Revision and Amendments.

#### MESSAGE FROM THE HOUSE

**Mr. President:**

The House has originated and adopted the following joint resolution:

By Rules Committee:

H. J. R. 61. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet on Monday, June 21, 1943.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Shaver, the rules were suspended, and the resolution, H. J. R. 61, which is set in the foregoing Message from the House, was adopted.

BILL REMOVED FROM ADVERSE CALENDAR AND  
INDEFINITELY POSTPONED

Mr. Kilborn moved, in accordance with notice given on yesterday, that the Senate do now remove the bill:

S. 366, from the Adverse Calendar and order same placed on the Regular Calendar.

Which motion was laid on the table on motion of Mr. St. John (Cullman).

Yeas, 21; Nays, 7.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver	
Benson	Dodson	Kelly	Sherrer	
Bentley	Espy	Lawson	Simpson	
Black	Garrett	St. John (Cullman)	Taylor	
Bradford	Goodwin	St. John (Lawrence)	Walton	
Carlton	High			—21

*Nays:*

Messrs.:	Hill	Kilborn	McCary	
Henderson	Jones	Madison	Pinson	—7

On motion of Mr. Kilborn, the bill, S. 366, was then indefinitely postponed by the Senate.

RECONSIDERATION OF VOTE

On motion of Mr. Henderson, the Senate reconsidered the vote by which it passed the bill:

S. 360. To provide for state aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

on yesterday.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Bentley	Henderson	Lawson	Sherrer
Black	High	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Walton
Dodson			

—28

*Nays:*

—0

On motion of Mr. Henderson, the Senate reconsidered the vote by which the bill was ordered to its third reading and engrossment.

And the bill, S. 360, was then placed again on the Senate Calendar.

#### BILLS ON THIRD READING

The bill:

S. 238. To pay to the town of Lineville, Alabama, the sum of Fifteen Thousand Dollars for a lot and school building, conveyed by said town to the State for the North-east Alabama Agricultural and Industrial Institute located at Lineville, Alabama.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To provide that the amount of \$10,011.02 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, be paid to the Town of Lineville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the amount of \$10,011.02 remaining in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, shall be paid to the Town of Lineville, Alabama.

Section 2. That the Comptroller is hereby authorized and directed to draw a warrant on the remaining fund in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, in the amount of \$10,011.02, payable to the Town of Lineville, Alabama.

Section 3. All laws and parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Sherrer
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	Pinson	Toomer
Cater	Hill	St. John (Cullman)	Walton
Cobb	Hornsby		

—29

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28, Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Lawson	Simpson
Black	Henderson	Madison	Smith
Bradford	High	McCary	Taylor
Carlton	Hornsby	Pinson	Toomer
Cater	Jones	St. John (Lawrence)	Walton
Cobb			

—28

*Nays:*

—0

The bill:

S. 259. To amend Section 205, Title 46, of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Public Health reported the following amendment to the bill, to-wit:

Amend Senate Bill 259 by adding after the words "occupational taxes" where the same appear together therein, the words, "imposed by Section 564, Title 51, of the 1940 Code of Alabama".

Which was adopted.

Yeas, 27; Nay, 1.



*Yeas:*

Messrs.:	Cobb	Hill	Pinson
Benson	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Kelly	St. John (Lawrence)
Black	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Smith
Carlton	Henderson	Madison	Toomer
Cater	High	McCary	Walton

—27

*Nay:* Mr. Simpson

—1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nay, 1.

*Yeas:*

Messrs.:	Dodson	Hill	McCary
Benson	Espy	Hornsby	Pinson
Bentley	Garrett	Kelly	St. John (Cullman)
Black	Goodwin	Kilborn	Smith
Bradford	Henderson	Lawson	Toomer
Carlton	High	Madison	Walton
Cater			

—24

*Nay:* Mr. Simpson

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

By a majority of the whole number elected to the House, the vote being: Yeas, 72; Nays, 0.

And said bill, S. 208, as amended by the amendment of His Excellency the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 72; Nays, 0.

And said bill, S. 208, together with the amendment proposed by his Excellency, the Governor, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the original and engrossed bills and finds same correctly enrolled, to wit:

S. 14. To exempt the gross proceeds of the sale of agricultural publications, printed and published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

Also:

S. 24. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Also:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

Also:

S. 321. An Act To provide for the closing of the Court House Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like governing body of Cullman County, Ala."

Also:

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in Monthly installments.

Also:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all counties having a population of not less than 100,000 nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Also:

S. 331. To amend Section 15 of Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of pro-

cedure for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

Also:

S. 332. To fix the salary of the Clerk of the Court of Common Pleas of Montgomery.

Also:

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

Also:

S. 334. To amend Section 3, as amended March 6, 1939, of House Bill 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgements and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

Also:

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

Also:

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

Also:

3. 337. To amend Section three( 3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such

office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect."

Also:

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

Also:

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama:

Also:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Also:

S. 350. To amend an Act entitled an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed: to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this

Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act. in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

Also:

S. 351. To amend an Act to be entitled an Act "To further provide for the control, making, maintenance, building and improvement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the county. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939", by amending sections "3" "6" 7' and 10' of said Act and by repealing section 11 of said Act.

Also:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$6,000.00 per annum for purposes not otherwise provided for by law.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Ard:

H. 279. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the expiration of three months, after the final adjournment of the present regular session of the 1943 Legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in each of the following named counties: Dale; and, whereby all Acts of the Regular Session of the Legislature of 1943, heretofore passed and applicable or purporting to be applicable to any or all of said Counties, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed. z

Also:

By Mr. Wood:

H. 353. To amend Section 56, of Title 36, of the Code of Alabama of 1940.

Also:

By Mr. Wood:

H. 354. To amend Section 55, of Title 36, of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 279, to the Committee on Constitution and Constitutional Revision and Amendments. (The above bill was read one time at length as required by the Constitution).

H. 353 and H. 354, to the Committee on Public Roads and Highways.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your standing committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed:

*Yeas:*

S. 167. To propose an amendment to the Constitution of Alabama relating to the time of convention of the Legislature, the length of sessions of the Legislature, and the compensation and travel allowance of members of the Legislature, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election after the final adjournment of the present session of the Legislature. And to provide for the expenses of holding said election.

Also:

S. 327. To propose an amendment to repeal Section 131, Article V, of the Constitution of Alabama, and to order an election for the qualified electors of the State of Alabama upon the proposed amendment to be held on the first Tuesday after the end of three months from the final adjournment of the present session of the Legislature.

Orlan B. Hill,  
Chairman.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McIlwain:

H. 361. To Amend Section 92, of Title 41, Code of Alabama, 1940.

By Mr. McIlwain:

H. 359. To Amend Section 32 of Title 12, Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.



## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. 361 and H. 359, to the Committee on Judiciary.

## BILLS ON THIRD READING RESUMED

The bill:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend S. B. 272 by changing the comma following the words "Circuit Judges" in the fifth line of Section 2 to a period, and by striking the remainder of said Section 2.

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Kelly	Simpson
Black	Goodwin	Kilborn	Smith
Bradford	Henderson	Madison	Taylor
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—27

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Dodson	Jones		

—29

*Nays:*

—0

The bill:

S. 341. Relating to employers and employees and their relation to the public and to each other; defining the meaning of words and terms used in the act; creating the Department of Labor; requiring reports by labor organizations; granting freedom to join or to refrain from joining labor organizations; making unlawful the interference with the right to work or the interference with the obtaining, use or disposition of materials, equipment or service; regulating the exercise of the right to strike; creating civil liability; prohibiting executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations; establishing civil and criminal penalties and remedies for the violation of this act; declaring the effect of a conflict with existing laws.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To create a Department of Labor of the State of Alabama and to provide for its personnel, powers, functions, and duties and the performance thereof, to provide for the appointment by the Governor of boards of mediation, and to provide for their personnel, powers, functions, duties, and procedure, to regulate the activities and affairs of labor organizations and to require reports thereby, to make unlawful interference with the right to work or with the obtaining, use, or disposition of materials, equipment, or service, to regulate the exercise of the right to strike, to prohibit the collection, receipt, or demand of money for the privilege of working, to prohibit executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations, to prohibit political contributions by labor organizations, to create civil liability and to establish civil and criminal penalties and remedies for the violation of this Act and to provide for the enforcement thereof, to make an appropriation for the administration of this Act, and to repeal subsection (2) of Section 3, and subsection (3) of Section 3, and Section 28 of Title 26 of the Code of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. DECLARATION OF POLICY. The right to live involves the right to work. The public and working men and women must be protected. The activities of labor organizations affect the social and economic conditions of the State and the wel-

fare of its citizens. It is declared to be the policy of this State, in the exercise of its police power and in the protection of the public interest, to promote voluntary and peaceful settlement and adjustment of labor disputes and to regulate the activities and affairs of labor organizations, their officers, agents, and other representatives in the manner and to the extent hereinafter provided.

Section 2. When used in this Act, the terms defined shall have the meaning here ascribed to them unless it clearly appears from the context that some other meaning is indicated: (a) "Labor Organization" or "Labor Union" shall mean every organization, association, group, union, lodge, local, branch, or subdivision thereof, whether incorporated or not, having within its membership employees working in the State of Alabama, organized for the purpose of dealing with employer or employers concerning hours of employment, rates of pay, or the tenure or other terms or conditions of employment, but such term or terms shall not include any labor organization or labor union the members of which are subject to the Act of Congress known as the Railway Labor Act. (b) "Labor Dispute" shall include any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee, provided that this definition shall not relate to a dispute between an individual worker and his employer. (c) "Outlaw" or "Wildcat" strike shall mean any strike not authorized by vote as provided in Section 13 of this Act.

Section 3. There is hereby created the Department of Labor of the State of Alabama, which shall be an executive and administrative department of the State.

Section 4. The Department of Labor shall be headed by, and shall be under the direction, supervision and control of, an officer who shall be known and designated as Director of Labor. He shall be responsible to the Governor for the administration of the Department of Labor and shall be appointed by and shall hold office at the pleasure of the Governor. Vacancies in the office for any reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties the Director shall take the constitutional oath of office as provided for under the Constitution and shall execute bond in such penalty as may be prescribed by the Governor, conditioned upon a faithful discharge of his duties and payable to the State of Alabama. The premium on his bond shall be paid out of the State Treasury as like bonds of State Officers. The annual salary of the Director of Labor shall be fixed by the Governor but shall not in any event exceed \$5,000 per annum and shall be payable at the same time and in the same manner as the salaries of other State officers. The Director shall

devote his full time to his official duties and shall hold no other remunerative position while serving as Director of the Department of Labor. The Director of Labor shall maintain his office in the State Capital.

Section 5. (a) It shall be the duty of the Director of the Department of Labor, unless herein otherwise expressly provided, to administer this Act, and to advise the Governor with respect to the provisions hereof. He shall have authority to employ such assistants as may be necessary in the discharge of his official duties and all such assistants shall be subject to the Merit System Act (Title 55, Chapter 9, Code of 1940), and shall be paid in the same manner as other State employees.

(b) To the end that strikes, lockouts, boycotts, blacklists, and discriminations may be avoided, the Director shall have authority and it shall be his duty to investigate labor disputes and to promote the peaceful and voluntary adjustment and settlement thereof.

(c) The Director shall keep a permanent record of his official acts and proceedings and shall keep the Governor fully informed with respect thereto, and shall make an annual report to the Governor in writing covering the activities and accomplishments of the Department of Labor during the preceding fiscal year.

(d) It shall be the duty of the Director to make available to any board of mediation appointed by the Governor pursuant to Section 6 hereof all data and information in his custody or possession relevant or pertinent to any matter which such board of mediation may have been appointed to consider, and to render to any such board of mediation such assistance as it may request of him in the discharge of its official duties.

Section 6. **BOARDS OF MEDIATION.** The Governor may, whenever he considers it expedient, appoint a board of mediation consisting of three members, for the purpose of gathering facts and information and hearing evidence concernig the cause of any strike, lockout, or other dispute or disagreement between employees or between any employer and his employees, for the purpose of making recommendations for the peaceable solution thereof, and if the parties involved in such strike, lockout or other dispute or disagreement shall in writing submit to such board such strike, lockout or other dispute or disagreement for arbitration, which written submission must contain an agreement to abide by the determination or award of the board, then also for the purpose of arbitrating such strike, lockout or other dispute or disagreement. One member of the board shall be a person who, on account of his previous employment or affiliations, shall be generally classified as a representative of employers; one member of the board shall be a person who, on account of his previous employment or affiliations, shall be generally classified as a representative of employees; one member of the board shall represent the interest of the public, shall not

be generally classified as a representative of employers or of employees and the member representing the public shall be chairman of the board. The Governor may, if he so elects, serve as one of the three members thereof, in which event the Governor shall represent the interest of the public and serve as chairman of the board. Members of such board shall be paid their actual travel expenses and twenty dollars per day for each day the board is necessarily in session, except that the Governor shall not be entitled to any such per diem allowance. The board of mediation shall have the same power and authority to subpoena witnesses and to compel the production of books, records, documents, and papers as the Director of Industrial Relations or the members of the board of appeals have under Title 28, Chapter 1, of the Code of Alabama, and the same power and authority to enter any place of employment, place of public assembly or public building as the Director of Industrial Relations has under Title 26, Chapter 1, of the Code of Alabama. The board of mediation shall make a finding of facts and a recommendation for settling such strike, lockout, or other dispute or disagreement, and, if such strike, lockout or other dispute or disagreement shall have been submitted for arbitration, a determination or award, which may be enforced by any court in the same manner as other determinations or awards of matters submitted for arbitration. Such board shall remain in session no longer than is necessary to accomplish the purposes for which it was appointed, and in no event more than thirty days in which to make a determination, and the board shall be allowed an additional ten days time to make their findings of fact and recommendation for settling such strike, lockout, or other dispute, or disagreement, and, as soon as it shall have rendered its findings of fact, recommendation, determination or award, it shall be discharged. Copies of each finding or facts, recommendation, determination and award shall be submitted to the Governor, and the Director of the Department of Labor and to each party or a representative of each party to such strike, lockout, dispute, or disagreement.

Section 7. Every labor organization functioning in Alabama shall within sixty days after the effective date of this Act, and every labor organization hereafter desiring to function in Alabama shall, before doing so, file a copy of its constitution and its by-laws and a copy of the constitution and by-laws of the national or international union, if any, to which the labor organization belongs, with the Department of Labor, but this provision shall not be construed to require the filing of any ritual relating solely to the initiation or reception of members. All changes or amendments to the constitution or by-laws, local, national or international, adopted subsequent to their original filing must be filed with the Department of Labor within thirty days after the adoption thereof.

Every labor organization functioning in the State of Alabama and having twenty-five or more members in any calendar year shall

annually on or before February first in the next succeeding calendar year file with the Department of Labor a report in writing showing the facts hereinafter in this section provided as of the close of business on the thirty-first day of December next preceding the date of filing. Such report shall be filed by the secretary or business agent of such labor organization and shall show the following facts: (1) The name of the labor organization; (2) the location of its principal office and its offices in Alabama; (3) the name of the president, secretary, treasurer and other officers, and business agents, together with the salaries, wages, bonuses, and other remuneration paid each, and post office address of each; (4) the date of regular election of officers of such labor organization; (5) the number of its paid up members; (6) a complete financial statement of all fees, dues, fines, or assessments levied and/or received, together with an itemized list of all disbursements, with names of recipients and purpose therefor, covering the preceding twelve (12) months; (7) a complete statement of all property owned by the labor organization, including any monies on hand or accredited to such labor organization, which said report shall be duly verified by the oath of the president, secretary, or some other regularly selected and acting officer of such labor organization having knowledge of the facts therein stated. It shall be the duty of the Director of Labor to cause to be printed and to make available to the public forms for making such report. At the time of filing each such report it shall be the duty of every such labor organization to pay the Director of Labor an annual fee therefor in the sum of two dollars.

The Director of Labor shall receive, file and index the reports provided for in this section of this Act. The records provided for herein shall be public records and shall be made available by the Director of Labor in his office to all persons for examination and taking copies thereof.

It shall be unlawful for any fiscal or other officer or agent of any labor organization to collect or accept payment of any dues, fees, assessments, fines, or any other monies from any member while such labor organization is in default with respect to filing the annual report required in this section.

Section 8. Every person shall be free to join or to refrain from joining any labor organization except as otherwise provided in Section 16 of this Act, and in the exercise of such freedom shall be free from interference by force, coercion or intimidation, or by threats of force or coercion, or by intimidation of or injury to his family.

Section 9. It shall be unlawful for any person by the use of force or violence, or the threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state.

Section 10. It shall be unlawful for any person acting in concert with one or more other persons, to assemble at or near any

place of employment in this State and by force or violence or threat thereof prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person acting either by himself, or as a member of any group or organization or acting in concert with one or more other persons, to promote, encourage or aid in any such unlawful assemblage.

Section 11. It shall be unlawful for any person, however, near to or distant from any place of employment in this State, to hinder, interfere with, or prevent, by the use within this State of threats, intimidation, force, coercion or sabotage, the obtaining, use, or disposition of materials, equipment or service by the employer or operator of such place of employment.

Section 12. It shall be unlawful, in and about the business of an employer, for any employee to refuse to handle, install, use or work on any particular materials, equipment or supplies because not produced, processed or delivered by members of labor organizations. Provided, however, nothing herein shall be construed to prevent employers and labor organizations from contracting in writing for the use solely of union-made materials, equipment or supplies.

Section 13. Except as otherwise specifically provided in this Act, nothing herein contained shall be construed to interfere with or impede or diminish in any way the right to strike or the right of individuals to work; nor shall anything in this Act be so construed as to invade unlawfully the right to freedom of speech. No strike shall be had in any business, plant or in any unit thereof except when such strike is authorized by the vote of the majority of the regular employees working in such business, plant or in such unit thereof, expressed by a secret written ballot. Within 24 hours after the taking of such ballot, if the vote authorizes a strike, the officers or members of the labor organization conducting such ballot shall make and file with the Department of Labor a written report of such balloting showing: (1) the number of persons voting for the strike; (2) the number voting against the strike; (3) the total number of employees working in the business, plant or unit in which the strike is proposed; (4) a statement that no person not working in such business, plant or in such unit thereof cast a ballot in such vote. This report shall become a permanent public record of the Department of Labor, and if wilfully false, the person or persons making it shall be guilty of perjury and shall be punished as provided by the laws of this state for the crime of perjury. A failure to make such report within the time required shall be a misdemeanor.

Section 14. Any person, or two or more persons, who take part in, or agree among themselves to enter into a conspiracy to cause, what is known as an outlaw or wild cat strike as defined in this act, or who induce, urge, advise and participate in any unlawful walk-out or any unlawful obstruction of work or ways or means or

process of work thereby causing stoppage of work in any plant or in any unit thereof affected thereby shall be guilty of a misdemeanor.

Section 15. It shall be unlawful for any labor organization, any labor organizer, any officer, agent, representative or member of any labor organization, or any other person, to collect, receive or demand, directly or indirectly from any person, any fee, assessment, or sum of money whatsoever, as a work permit or as a condition for the privilege to work; provided, however, this shall not prevent the collection of initiation fees or dues.

Section 16. It shall be unlawful for any executive, administrative, professional, or supervisory employee to be a member in, or to be accepted for membership by, any labor organization, the constitution and by-laws of which permit membership to employees other than those in executive, administrative, professional, or supervisory capacities, or which is affiliated with any labor organization which permits membership to employees other than those in an executive, administrative, professional, or supervisory capacity.

Section 17. It shall be unlawful for any labor organization to make any financial contribution to any political party or to any person who may be a candidate for any political or party office, or to the committee of any political party or of any candidate for office as a part of the campaign expenses of such party, person or committee, or to expend any funds in furtherance of the candidacy of any candidate for public office.

Section 18. **PENALTIES:** If any labor organization violates any provision of this Act, it shall be penalized civilly in a sum not exceeding one thousand dollars (\$1,000.00) for each such violation to be recovered as a penalty in the Circuit Court of the County in which the violation occurred, the action being brought in the name of the State of Alabama by the Circuit Solicitor of the Circuit in which the violation occurred, and it shall be the duty of the Circuit Solicitor of any Circuit in which any such violation occurs to institute and prosecute such action. The doing of any act forbidden or declared unlawful by the provisions of this Act, except where a penalty is specifically provided herein, or the commission of any offense herein declared to be a misdemeanor, shall constitute a misdemeanor, and shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment at hard labor for not exceeding twelve months or both.

Section 19. The provisions of this Act shall be cumulative of all other existing laws upon the subject, and in the event of a conflict between existing laws and the provisions of this Act, then and in that event the provisions, offenses and punishments set forth herein shall prevail over such existing laws.

Section 20. There is hereby appropriated out of any general funds in the State treasury not otherwise appropriated such



amounts as may be necessary to carry out the provisions of this Act and to pay the salaries herein provided for and the expenses incurred hereunder.

Section 21. If any clause, sentence, paragraph, provision, part, or section of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, provision, part, or section thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 22. Subsection (2) of Section 3, and subsection (3) of Section 3, and Section 28 of Title 26 of the Code of Alabama are hereby repealed.

Section 23. This Act shall take effect upon its approval by the Governor or its otherwise becoming a law.

Mr. Bradford offered the following amendment to the substitute for the bill, to-wit:

Amend substitute for Senate Bill 341 (Printed Substitute) as follows: On line 3 of page 5 insert between the words "court" and "in" the following words "of law or equity".

Which was adopted.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Cullman)
Benson	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Newton	Toomer
Cobb	Jones	Pinson	Walton
Dodson			

—28

*Nays:*

—0

Mr. Bradford offered the following amendment to the substitute for the bill, to-wit:

Amend the Substitute for Senate Bill 341 (Printed Substitute) as follows: By striking the words "the Department of Labor" where they appear together on line 22 of page 5 and insert in lieu thereof the following "every member of their respective labor organizations and with the Director of the Department of Labor".

Which was adopted.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Cullman)
Benson	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Simpson
Carlton	High	Madison	Smith
Cater	Hill	McCary	Toomer
Cobb	Hornsby	Pinson	Walton
Dodson			

—28

*Nays:*

—0

Mr. Bradford offered the following amendment to the substitute for the bill, to-wit:

Amend the Substitute for Senate Bill 341 (Printed Substitute) as follows: By striking the words "public records and shall be" where they appear on line 15 on page 6 and by striking the words "to all persons" where they appear together on line 16 of page 6 and insert in lieu thereof the following words "to the Governor of Alabama" and by striking the words "and taking copies thereof" where they appear together on line 16 of page 6.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Jones		

—29

*Nays:*

—0

Mr. Bradford offered the following amendment to the substitute for the bill, to-wit:

Amend section 16 of the Substitute for Senate Bill 341 (Printed Substitute) as follows: By adding at the end of said section the following words: "The provisions of this section shall not be construed so as to interfere with or void any insurance contract now in existence and in force".

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Bradford	Cater
Benson	Black	Carlton	Dodson

Espy	Hornsby	McCary	Sherrer	
Garrett	Jones	Pinson	Simpson	
Goodwin	Kelly	St. John (Cullman)	Smith	
Henderson	Kilborn	St. John (Lawrence)	Toomer	
High	Lawson	Shaver	Walton	
Hill	Madison			—29

Nays: —0

Mr. Hill offered the following amendment to the substitute for the bill, to-wit:

“Amend Section 17 of the substitute for Senate Bill 341 by inserting in line 5 on page 9 of the printed substitute immediately following the word “organization” the following words:  
or any organization of employers of labor

Which was adopted.

Yeas, 27; Nays, 4.

Yeas:

Messrs.:	Dodson	Hornsby	Pinson
Benson	Espy	Jones	St. John (Cullman)
Black	Garrett	Kilborn	St. John (Lawrence)
Bradford	Goodwin	Lawson	Shaver
Carlton	Henderson	Madison	Sherrer
Cater	High	McCary	Smith
Cobb	Hill	Newton	Walton

—27

Nays: Messrs. Bentley, Kelley, Simpson and Toomer —4

And the substitute for the bill, as thus amended, was then adopted by the Senate.

Yeas, 28; Nays, 2.

Yeas:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	McCary	Simpson
Carlton	Hill	Newton	Toomer
Cater	Hornsby	Pinson	Walton
Cobb			

—28

Nays: Messrs.: Madison and Smith —2

And said bill, as amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 4.

*Yeas:*

Messrs.:	Cobb	Hill	St. John (Cullman)
Benson	Dodson	Hornsby	St. John (Lawrence)
Bentley	Espy	Jones	Shaver
Black	Garrett	Kelly	Sherrer
Bradford	Goodwin	Kilborn	Simpson
Carlton	Henderson	Lawson	Toomer
Cater	High	Pinson	Walton

—27

*Nays:* Messrs.: Madison, McCary, Newton and Smith

—4

Mr. Kilborn moved that the Senate reconsider the vote by which the Senate just passed the bill, S. 341, and then moved to lay on the table the motion to reconsider, and the motion to table prevailed.

*The bill:*

H. 510. To amend the following Sections of Chapter 2 of Title 46 of the 1940 Code of Alabama, viz: Sections 8, 9, 13, 14, 15 and 19.

Was read a third time at length and passed.

*Yeas, 25; Nays, 0.*

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Lawson	Simpson
Carlton	Henderson	Madison	Smith
Cater	High	Pinson	Toomer
Cobb	Hill	St. John (Lawrence)	Walton
Dodson	Jones		

—25

*Nays:*

—0

*The bill:*

H. 10. To amend Section 24 of Title 11 of the Code of Alabama of 1940.

Was read a third time at length and passed.

*Yeas, 28; Nays, 1.*

*Yeas:*

Messrs.:	Garrett	Kelly	Shaver
Benson	Goodwin	Kilborn	Sherrer
Bentley	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Pinson	Toomer
Dodson	Jones	St. John (Lawrence)	Walton
Espy			

—28

*Nay:* Mr. Cobb

—1

The bill:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 154, of Title 41, of the 1940 Code of Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 154, of Title 41, of the 1940 Code of Alabama be and the same is hereby amended to read as follows:

Section 154. The maximum amount allowable to a person traveling in the service of the State of Alabama or any of its agencies, institutions, boards, bureaus or commissions for expenses other than actual expenses of traveling shall be fixed by the Governor at not less than four dollars per day nor more than five dollars per day, such maximum or limit when fixed from time to time to be uniform in operation as to all persons while said persons are traveling within the State. Persons traveling in the service of the State or any of its agencies, institutions, boards, bureaus or commissions outside the State of Alabama shall be allowed all their actual and necessary expenses, in addition to their actual expenses for transportation, provided such travel shall have first been duly authorized in writing by the Governor; provided further, that persons traveling on official business for the State or any of its agencies, institutions, boards, bureaus or commissions in privately owned vehicles shall receive five cents per mile in lieu of their actual expense for transportation.

Section 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby modified so as to conform with the provisions hereof.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:  
Benson

Bentley  
Bradford

Carlton  
Cater

Dodson  
Espy

Garrett	Hornsby	Madison	Sherrer
Goodwin	Jones	McCary	Simpson
Henderson	Kelly	Newton	Taylor
High	Kilborn	St. John (Lawrence)	Toomer
Hill	Lawson	Shaver	Walton

—27

Nays:

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bentley	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Smith
Carlton	High	Madison	Taylor
Cater	Hill	McCary	Toomer
Cobb	Hornsby	Pinson	Walton
Dodson			

—28

Nays:

—0

The bill:

H. 407. To submit to the qualified voters of the State of Alabama, at an election to be held at the next General Election after the expiration of three months, after the final adjournment of the present regular session of the 1943 legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston, and whereby all Acts of the regular session of the legislature of 1943, heretofore passed and applicable or purporting to be applicable, to said county, and fixing or purporting to be applicable, to said county, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Was read a third time at length as required by the Constitution and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Bentley	Carlton	Cobb
Benson	Bradford	Cater	Dodson

Espy	Hornsby	McCary	Simpson	
Garrett	Jones	Pinson	Smith	
Goodwin	Kelly	St. John (Lawrence)	Taylor	
Henderson	Kilborn	Shaver	Toomer	
High	Lawson	Sherrer	Walton	
Hill	Madison			—29
<i>Nays:</i>				—0

The bill:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver	
Benson	Garrett	Kilborn	Sherrer	
Bentley	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Smith	
Carlton	High	McCary	Taylor	
Cater	Hill	Newton	Toomer	
Cobb	Hornsby	Pinson	Walton	
Dodson	Jones	St. John (Lawrence)		—30

*Nays:* —0

The bill:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when the Act shall go into effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)	
Benson	High	Lawson	St. John (Lawrence)	
Bentley	Hill	Madison	Smith	
Black	Hornsby	McCary	Taylor	
Bradford	Jones	Newton	Toomer	
Carlton	Kelly	Pinson	Walton	

—23

*Nays:* —0

The bill:

H. 687. To amend Section 1 of An Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1927, page 41, of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor of Escambia County, Ala., and provide for the manner of payment of the same."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Garrett	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

Nays:

—0

The bill:

H. 686. To abolish the Court of County Commissioners of Escambia County, Alabama; To establish "The Board of Revenue of Escambia County, Ala.," composed of Five (5) Members; In lieu of the Court of County Commissioners of said County as now constituted; To designate and name the members of said Board of Revenue for the present and until their successors are elected and qualified; To require the Judge of Probate of said County to be the Chairman of said Board of Revenue; To provide for the election of the other four (4) members of said Board; to fix the terms of office of the members of said Board; To prescribe the qualifications of the members of said Board; to divide said county into Four (4) Districts; To make said Districts and the boundaries thereof the same as they are now established by law; To require that one each of said four members of said Board shall be elected from and represent one of said four (4) districts; To prescribe and fix the terms and sessions of said Board and a quorum thereof; To prescribe, fix and limit the powers, jurisdiction and duties of said Board of Revenue, the members of said Board and the Chairman and Clerk thereof; To provide for a Clerk of said Board and his compensation; To provide that all general and local laws which now apply to and govern the Court of County Commissioners of said County shall apply to and govern said Board of Revenue; To provide that all general laws which may hereafter apply and govern Courts of County Commissioners in this State shall apply to and govern said Board of Revenue; To provide for and fix the amount and compensation of the members of said Board; To provide for the filling of all vacancies on said Board of Revenue.



Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Garrett	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 692. To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed, one percent for assessing taxes, and one percent for collecting taxes.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 688. To amend Sections 2 and 3 of an Act entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Bradford	Cater
Benson	Black	Carlton	Espy

Hill	Kilborn	Newton	Smith
Hornsby	Lawson	Pinson	Taylor
Jones	Madison	St. John (Cullman)	Toomer
Kelly	McCary	St. John (Lawrence)	Walton

—23

Nays:

—0

The bill:

H. 676. To repeal an act entitled "An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act," approved March 8, 1933.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

Nays:

—0

The bill:

H. 689. To authorize the Board of Revenue of Montgomery County to accept the deposit by any incorporated or national bank doing business in the City of Montgomery, acting as depository of the funds and revenue of the county, of bonds of the United States of America, of the State of Alabama, or of any county or municipality of the State, in lieu of any bond or bonds now required by law for the safe keeping of such funds or revenue.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Hornsby
Benson	Bradford	Espy	Jones
Bentley	Carlton	Hill	Kelly

Kilborn	McCary	St. John (Cullman)	Taylor
Lawson	Newton	St. John (Lawrence)	Toomer
Madison	Pinson	Smith	Walton

—23

Nays:

—0

The bill:

H. 669. To abolish the office of Deputy Solicitor of Blount County, and to create in lieu thereof the office of County Solicitor of Blount County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton .

—23

Nays:

—0

The bill:

H. 681. To authorize the Board of Revenue of Macon County, Alabama to provide for an Additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Smith
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

Nays:

—0

The bill:

H. 680. To prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Shaver
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 701. To authorize and require the County Commission of Russell County, Alabama, to pay \$12,000 out of the General Fund into the Fine and Forfeiture Fund of said County at the rate of not less than \$1,000 per annum, to replace funds heretofore transferred from the Fine and Forfeiture Fund of said Sounty.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Espy	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Shaver
Black	Hornsby	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

*Nays:*

—0

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Forty-sixth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the forty-sixth day approved by the Senate.

#### ADJOURNMENT

At 12:45 P. M., on motion of Mr. Carlton, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Monday, June 21, 1943, at 10:30 A.M.

## FORTY-NINTH DAY

(The Senate was not in session on the forty-seventh and forty-eighth days)

Monday, June 21, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis presiding.

## PRAYER

The session was opened with prayer by Rabbi Theorore Shab, Agudath Israel Congregation, Montgomery.

## ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Newton	Walton
Cobb	Jones	Pinson	

—26

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of the forty-sixth day was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Madwson:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Simpson:

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and systems for the benefit of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding federal census.

Committee on Local Legislation.

By Mr. Simpson:

S. 407. To alter and extend the boundaries of the City of Birmingham: to provide for an election to submit to the qualified voters of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

### LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the 1943 session of the Legislature of Alabama:

### A BILL TO BE ENTITLED AN ACT

TO ALTER AND EXTEND THE BOUNDARIES OF THE CITY OF BIRMINGHAM; TO PROVIDE FOR AN ELECTION TO SUBMIT TO THE QUALIFIED VOTERS OF THE TERRITORY TO BE ANNEXED TO SAID CITY OF BIRMINGHAM FOR THEIR APPROVAL OR REJECTION OF SUCH ALTERATIONS AND EXTENSIONS.

### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the boundaries of the City of Birmingham, in the County of Jefferson, State of Alabama, are, subject to the other provisions hereof, hereby altered and extended so that said boundaries shall include within the corporate limits of said City all of the following described additional property not presently located in said City, to-wit:

A part of Sections 6 and 7, Township 18 South, Range 2 West, Jefferson County, Alabama, described as follows:

Begin at a point where the south boundary of the southwest quarter of southwest quarter of said Section 6 intersects the eastern boundary of the Montgomery Highway; thence east along said south boundary of said southwest quarter of southwest quarter of said Section 6 to a point where said south boundary intersects the northern boundary of the survey of Warwick Terrace, as recorded in Map Book 24, pages 17 and 18, in the Probate Office of Jefferson County, Alabama; thence in a northeasterly direction along said northern boundary of said survey of Warwick Terrace to the east boundary of said southwest quarter of southwest quarter of said Section 6; thence north along said east boundary of said southwest quarter of southwest quarter of said Section 6 to the northern boundary of the right of way of the Birmingham Mineral Railroad; thence in a northeasterly direction along said northern boundary of said right of way to the western line of an alley running north and south through Block 3 in the survey of English Village, West Sector, as recorded in Map Book 16, page 69, in said Probate Office, if said western line of said alley were extended northward; thence in a southerly direction along said western line of said alley, and said western line of said alley extended, to a point where said western line intersects the

northeastern line of Lot 2 in Block 17 in the survey of First Addition to South Highlands, as recorded in Map Book 7, pages 105 and 106, in said Probate Office; thence in a southeasterly direction along the northeastern line of said Lot 2 to the northeast corner of said Lot 2; thence in a southerly direction along the eastern line of said Lot 2 to the southeast corner of said Lot 2; thence in a southwesterly direction across 21st Avenue, South, to the northeast corner of Lot 8 in Block 10 in said survey of First Addition to South Highlands; thence in a southeasterly direction along the western line of an alley to the northeast corner of Lot 20 in Block 10 in said survey of First Addition to South Highlands; thence in a southwesterly direction along the southern line of an alley through Blocks 10, 11, 12 and 13 in said survey of First Addition to South Highlands, and said line extended, to the south line of said Section 6; thence continuing in a southwesterly direction parallel with and twenty feet south of the southern line of Block 1 and 2 in the survey of First Addition to Warwick Manors, as recorded in Map Book 22, page 48, in said Probate Office, to the eastern line of Lot 14 in Block 1 in said survey of First Addition to Warwick Manors; thence in a northerly direction along said eastern line of said Lot 14 to the southeast corner of Lot 13 in Block 1 in said survey of First Addition to Warwick Manors; thence in a westerly direction along the southern line of said Lot 13 to the eastern boundary of said Montgomery Highway; thence in a northerly direction along said eastern boundary of said Montgomery Highway to the point of beginning.

Section 2. Within ten days after the approval of this act by the Governor, the Judge of Probate of Jefferson County, Alabama, shall make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified voters residing within the territory described, which is to be annexed to said City, said election to be held within forty days from the entry of said order. Said election shall be held to determine whether or not a majority of the voters residing within the territory above described to be annexed to said City favor the annexation to said City of said territory above described. Said Judge shall give notice of the holding of said election by posting notices at three public places in the part of said territory annexed to said City by this Act, which notices shall state the date on which said election is to be held, the voting place or places designated by the Chairman of the Board of Registrars of said county, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory annexed to said City by this Act, and said notices must give a description of the territory so annexed, and must state that a map of said territory is on file in the office of the Judge of Probate of said county, open to the inspection of the public.

Section 3. The Chairman of the Board of Registrars of said county may designate as many places within the territory hereby annexed to said City as he may deem necessary for the convenience of the voters, and must designate the boundaries within which the voters must reside to vote at the respective voting places, and the Election Commission of Jefferson County shall appoint three inspectors of election, two clerks and one returning officer for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors.

Section 4. Each qualified voter who has resided within the boundaries of the territory hereby annexed to said City for three months next preceding the election may vote at said election, but must vote at the voting place designated by the Chairman of the Board of Registrars for voters in the territory in which he resides.

Section 5. Said election must be conducted in all respects as provided by the general election laws and under the same sanction and penalties,

except as changed by the provisions of this Act, and except that an official ballot need not be provided. There shall be no voting by absentee ballot.

Section 6. Each voter may furnish his own ballot with the following words written or printed thereon: "For annexation." if he desires to vote in favor of annexing the territory to the City, or "Against annexation" if he desires to vote against annexing the territory to the City. It shall not be necessary for the ballot to be of any particular size, form or color.

Section 7. The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places to the Judge of Probate, and deliver the same to the returning officer, who must at once return the same to the Judge of Probate, and said Judge must canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were "for annexation" said Judge shall make and enter an order on the records of said Probate Court recording such fact, and from the time of the entry of such order this Act shall be fully effective and the boundaries of said City of Birmingham shall be as above set forth. If it appears that a majority of the votes cast at the election are "Against annexation" the Judge of Probate shall make and enter an order on the records of said Court recording such fact, and this act shall not be effective, and the boundaries of said City shall be and remain as they were before the passage of this Act.

Section 8. The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of a Justice of the Peace, making the City the contestee. The City of Birmingham shall pay all costs and expenses incident to the election.

Section 9. The Probate Judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them, as they are authorized by law to charge and collect for similar services rendered by them, and said City of Birmingham shall pay all costs and expenses, except in the case of a contest as herein provided.  
The Call—May 22-29; June 5-12, 1943.

#### AFFIDAVIT

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on the 22 day of May, 1943.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 14 day of June, 1943.

MOLLIE DAFFIN,  
Notary Public.

(Seal)

By Mr. Cater:

S. 408. To provide for the creation and establishment of an endowment fund from donations and gifts made to the Department of Archives and History of the State of Alabama, and to



provide for what purposes such endowment fund may be used; to provide for the payment by the state to said Department of Archives and History of five per cent interest per annum on money deposited with the state treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars to said department.

Committee on Judiciary.

By Mr. Kilborn:

S. 409. To amend Section 34 of Title 11 of the Code of Alabama of 1940.

Committee on Judiciary.

By Messrs. Sherr er and Simpson:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies, boards, bureaus and commissions of the State to expend the necessary funds for carrying out the provisions of such contracts.

Committee on Finance and Taxation.

#### REPORTS OF COMMITTEES

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater (with notice and proof):

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

By Mr. Cater (with notice and proof):

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery, County, Alabama.

By Mr. Cater (with notice and proof):

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said county, but not for the elective officials.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Messrs. Smyer, Sessions, Chichester and Gwin:

H. 747. To authorize the sheriff and his deputies in all counties having a population of 400,000 or more according to the last or any subsequent Federal census to inspect all public school buildings for fire protection and to require that all fire hazards in or about such buildings in such counties be removed or abated; and to provide the effective date of this act.

Also:

By Messrs. Snyder, Hodo, Chichester, Sessions, Edwards, Smyer and Gwin:

H. 677. To amend Section 877, Title 51, Code of Alabama of 1940.

Also:

By Messrs. Deason and Black:

H. 783. To abolish hospital boards in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, and to provide that the duties heretofore performed by such hospital boards shall be performed by the county boards of revenue or other governing bodies of such counties, and to provide additional salary for the members of the boards of revenue or other like governing bodies for the additional duties hereby imposed upon them.

Also:

By Mr. Bennett of Barbour (by request):

H. 781. To regulate the Fine and Forfeiture Fund of Barbour County, Alabama; to require the register of claims against said fund, the same to be presented to the Clerk of the Board of Revenue for approval against said fund and to regulate registration of such claims and to transfer any surplus to the credit of the said fund to the general fund of said county as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue

a statement of all monies collected which belong to the Fine and Forfeiture Fund and to state from what source the same was collected; to give the fees and commissions of officers performing services in criminal cases priority over other claims and to provide for the payment of witness claims in criminal cases.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate the Fine and Forfeiture Fund of Barbour County, Alabama; to require the register of claims against said fund, the same to be presented to the clerk of the Board of Revenue for approval against said fund and to regulate registration of such claims and to transfer any surplus to the credit of the said fund to the general fund of said county as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue a statement of all monies collected which belong to the Fine and Forfeiture Fund and to state from what source the same was collected; to give the fees and commissions of officers performing services in criminal cases priority over other claims and to provide for the payment of witness claims in criminal cases.

Be It Enacted By The Legislature Of Alabama:

Section 1. That it shall be the duty of the clerk of the Board of Revenue or other like governing body of Barbour County, Alabama, to provide a book for the registration of claims against the Fine and Forfeiture Fund of said county and all outstanding claims against the Fine and Forfeiture Fund of said county which were registered and outstanding at the time this Act becomes a law shall be presented to the clerk of the Board of Revenue for reregistration against said fund within ninety days from the date of its approval and all claims arising against such Fine and Forfeiture Fund after this Act becomes a law shall be registered by the clerk of the Board of Revenue within thirty days after their accrual and all claims whether outstanding or accruing since the passage of this Act, not so registered as provided above, shall be forever barred. All claims so filed and presented for payment against said fund shall be audited and allowed or rejected by said Board of Revenue or other like governing body of said county at the next regular session or meeting of the Board after the filing of such claim and no claim shall be paid unless the same has been properly registered with the clerk of the Board of Revenue or other like governing body and approved by him for payment in accordance with the requirement of this Act. The claims of officers in criminal cases shall be and are here made preferred over all other claims against said fund, provided that, in the event there is a surplus to the credit of the Fine and Forfeiture Fund of said county over and above the amount sufficient to pay in full all claims properly registered, presented and allowed against the same as herein required, then and in that event the Board of Revenue or other like governing body shall have the right and it shall be the duty of said Board to pass such surplus to the credit of the general fund of said county.

Section 2. The Board of Revenue or other like governing body of Barbour County shall pay the claims of county officers in criminal cases at par out of any money in the Fine and Forfeiture Fund when properly presented, provided the same shows to have been properly registered and ordered paid according to the provisions of this Act and it shall be the duty of the clerk of the Board of Revenue or other like governing body to promptly on the presentation of such officers' claims to order the same paid by the county depository or county treasurer out of any monies to the credit of the Fine and Forfeiture Fund.

Section 3. From and after the passage of this Act, it shall be the duty of all officers of the county who collect funds going to the Fine and Forfeiture Fund of the county to within thirty days after receiving such funds to file a statement of the amount collected by them, stating from what source the same is collected, and where deposited and to what fund of the county deposited and the date of deposit and said person and officers of said county who collect such funds and monies shall file said statement within thirty days showing any such money or funds so collected during said period. Said statement shall be filed with the clerk of the Board of Revenue or other like governing body of said county.

Section 4. Any person or officer or person who fails to comply with the terms of Section 3 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars.

Section 5. Unless there shall be a sufficient sum in the Fine and Forfeiture Fund of Barbour County to take care of in full the claims of officers in criminal cases against said fund, it shall be the duty of the clerk of the Board of Revenue to pay the clerk on claims presented by him forty per cent of the fund actually in the treasury or depository at the time of demanding payment and to pay to the sheriff sixty per cent of said fund in the treasury or depository to the credit of the Fine and Forfeiture Fund at the time of demanding payment.

Section 6. Whenever there shall be a surplus of the fund arising from fines and forfeitures in the county treasury or depository of Barbour County over and above the sum required to pay the registered claims of county officers, the county treasurer or county depository of said county must pay the fees of state witnesses of the court arising from criminal cases in which the defendant is not convicted and the costs are not imposed on the prosecutor or in which the defendant has been convicted and has been proven insolvent by return of execution "no property found" or in cases in which the State enters a nol prosqui, or in which the indictment has been withdrawn and filed or the prosecution abated by the death of the defendant, unless the payment or distribution of such funds are otherwise provided for. This section shall be held to apply to all fees of officers of the trial courts arising on an appeal by the defendant to the Supreme Court or Court of Appeals in cases where the judgment of the trial court is reversed and a new trial allowed, or the defendant ordered discharged. It shall also apply in appeal cases where the defendant has appealed from a conviction and sentence to the State penitentiary and the conviction is affirmed to such part of the fees of officers of the trial court arising on the appeal, as are not paid from the Convict Fund under Sections 69 and 70 of Title 45, Code 1940, and execution for such unpaid part of such fees having first been issued against the defendant and returned "no property found." It shall further apply to the fees of officers of the trial court arising on an appeal, in cases where the defendant has appealed from a conviction, the punishment fixed being otherwise than imprisonment in the State penitentiary and the judgment of the trial court is affirmed, provided the defendant be first proven insolvent by the return of an execution "no property found."

Section 7. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 8. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law. M-21-128-J-4-11-4t.

STATE OF ALABAMA,  
BARBOUR COUNTY.

Before me, Thomas R. Parish, a Notary Public in and for said County and State, personally appeared W. L. GAMMELL, who being sworn, deposes and says on oath that he is the Publisher of THE CLAYTON RECORD a newspaper published weekly, in the Town of Clayton, Barbour County, Alabama, and that the attached notice A Bill to be Entitled An Act, was published in said newspaper 4 consecutive times. The same appearing in the issues dated May 21, 28, June 4, 11, 1943.

W. L. GAMMELL,  
Publisher of The Clayton Record.

Sworn to and subscribed before me this the 11 day of June, 1943.

THOS. R. PARISH,  
Notary Public.

Also:

By Mr. Nettles:

H. 766. To provide that the County Board of Education of Conecuh County, Alabama, be authorized to construct, erect, maintain and repair a building in said County to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel, for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a County school library and for other school purposes and to pay for the construction, erection, maintenance and repair of said building out of the school funds of Conecuh County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL LAW

Notice is hereby given of intention to apply to the present session (Regular Session of 1943) of the Legislature of Alabama for the passage of a Local Law for Conecuh County, Alabama, in substance as follows:

#### AN ACT

To provide that the County Board of Education of Conecuh County, Alabama, be authorized to construct, erect, maintain and repair a building in said County to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a County school library and for other school purposes and to pay for the construction, erection, maintenance and repair of said building out of the school funds of Conecuh County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the Cuntly Board of Education of Conecuh County, Alabama, be, and it hereby is, authorized to construct, erect, maintain and repair a building in Conecuh County, Alabama, to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a county school library and for other school purposes.

Section 2. That the Board of Education of Conecuh County, be, and it hereby is, authorized to pay for the construction, erection, maintenance and repair of said building out of any school funds belonging to Conecuh County, Alabama, or under the control of said Board, and that payment therefor be made in the same manner and form as other obligations of said County Board of Education for the maintenance and support of schools of said County are made.

Section 3. This Act shall take effect upon its passage and approval by the Governor of Alabama. (May 20-27-June 3-10—c)

STATE OF ALABAMA,  
CONECUH COUNTY.

Before me, Daisy M. Burnett, a Notary Public in and for said County and State, personally appeared R. G. Boseman, who, being by me first duly and legally sworn, doth depose and say:

He is the editor and publisher of The Evergreen Courant, which is a weekly newspaper published in Evergreen, Conecuh County, Alabama, is printed in the English language and has a general circulation in Conecuh County, Alabama, and has been mailed under the second class mailing privileges of the United States Post Office Department from Evergreen, Alabama, where it is published, for more than fifty-two consecutive weeks prior to the publishing of the above notice; that the above and foregoing notice was published in said newspaper for four consecutive weeks and in the issues of said paper published and distributed on May 20, May 27, June 3, and June 10, 1943.

R. G. BOZEMAN,

Sworn to and subscribed before me, on this, the 10 day of June, 1943.

DAISY M. BURNETT,

(Seal)

Notary Public.

Also:

By Mr. Ard:

H. 769. To fix the compensation or salary to be paid to the Clerk of Circuit Court and Register in Chancery of Dale County, Alabama, and of clerks, deputies, clerical assistants and other expenses of said office of the Clerk of Circuit Court and Register in Chancery of Dale County, Alabama; to require said Clerk of Circuit Court and Register in Chancery to collect all the fees, compensations, and allowances heretofore or hereafter authorized to be collected by him, and pay the same unto the County Treasury of Dale County, Alabama; to provide for the payment of the salary or compensation of said clerks, deputies, and other clerical assistants, and to provide for the consolidation of the office of Clerk of Circuit Court and the office of Register in Chancery,

and to provide that the same person shall hold both offices, and provide the manner and method of electing said Clerk of Circuit Court and Register in Chancery; and to provide the amount of bond required of the Clerk of Circuit Court and Register in Chancery, and the place where the office of the Clerk of Circuit Court and the Register in Chancery shall be; to provide rules and regulations for the management and operation of such office made necessary by changing the methods and basis of compensation of such Clerk of Circuit Court and Register in Chancery; provide when the act shall go into effect, and provide that all laws in conflict herewith are repealed.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL

Notice is hereby given that the following Bill will be introduced at the regular session of the 1943 Legislature of Alabama.

#### A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary to be paid to the Clerk of Circuit Court and Register in Chancery of Dale County, Alabama, and of clerks, deputies, clerical assistants and other expenses of said office of the Clerk of Circuit Court and Register in Chancery of Dale County, Alabama; to require said Clerk of Circuit Court and Register in Chancery to collect all the fees, compensations, and allowances heretofore or hereafter authorized to be collected by him, and pay the same into the County Treasury of Dale County, Alabama; to provide for the payment of the salary or compensation of said clerks, deputies, and other clerical assistants, and to provide for the consolidation of the office of Clerk of Circuit Court and the office of Register in Chancery and to provide that the same person shall hold both offices, and provide the manner and method of electing said Clerk of Circuit Court and Register in Chancery, and to provide the amount of bond required of the Clerk of Circuit Court and Register in Chancery, and the place where the office of the Clerk of Circuit Court and the Register in Chancery shall be; to provide rules and regulations for the management and operation of such office made necessary by changing the methods and basis of compensation of such Clerk of Circuit Court and Register in Chancery; provide when the act shall go into effect and provide that all laws in conflict herewith are repealed.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary or compensation of the Clerk of Circuit Court and the Register in Chancery of Dale County, Alabama shall be \$2400. per year, and the said \$2400. annual salary or compensation shall be paid out of the County Treasury of Dale County, in equal monthly installments, at the end of each month, upon warrant drawn in the same manner as employees of Dale County are paid.

Section 2. That when this act goes into effect said Clerk of Circuit Court and Register in Chancery herein above referred to shall continue to collect all charges, fees, compensation, and allowances heretofore or hereafter

authorized to be collected by him or her, and shall pay same unto the County Treasury the first Monday of each month thereafter.

Section 3. The Board of Revenue or like governing body of Dale County, Alabama is required, authorized, and empowered to provide sufficient equipment, clerk, deputies and other assistants to the said Clerk of Circuit Court and Register in Chancery, but the said Clerk of Circuit Court and Register in Chancery shall select such clerks, deputies, and other assistants, and shall fix the compensation, but the combined salary or compensation of said clerks, deputies, and other assistants selected by him or her shall not exceed \$1200 per annum. The said Clerk of Circuit Court and Register in Chancery shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salary or compensation of said clerks, deputies, and assistants shall be paid in equal monthly installments out of the general funds of Dale County, Alabama, upon separate warrants drawn in the same manner that other employees of Dale County Alabama are paid.

Section 4. That effective on the first Monday after the second Tuesday in January, 1947 following the election by the qualified electors of Dale County, Alabama at the general election to be held on the first Tuesday after the first Monday in November, 1946, the office of Clerk of Circuit Court and the office of Register in Chancery are consolidated and said office shall and must be filled by one and the same person, and he shall hold office for a period of four years, and until his or her successor is elected and qualified. The same qualifications as are now set out in the general laws of Alabama with reference to qualification of the Clerk of Circuit Court and the Register in Chancery shall apply. That candidates for the Clerk of Circuit Court and Register in Chancery of Dale County, Alabama shall be nominated in the primary next preceding the general election at which time he shall be elected. He or she holding said office of Clerk of Circuit Court and Register in Chancery shall have the same authority and duties as that required of Clerk of the Circuit Court and Register in Chancery had under the laws of the State of Alabama, prior to the passage of this Bill, and he or she shall sign all papers in connection with his or her duties and authority in the same manner as such papers are now signed prior to the passage of this bill.

Section 5. The Board of Revenue or like governing body of Dale County, Alabama, in addition to the foregoing shall provide said Clerk of Circuit Court and Register in Chancery with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriter, adding machine, postage and other convenience and equipment necessary for the proper and efficient conduction and handling of the affairs of said office.

Section 6. The salaries or compensation herein fixed shall be in lieu of all fixed compensation and allowances heretofore allowed and paid to said Clerk of the Circuit Court and Register in Chancery.

Section 7. The clerk of the Circuit Court and Register in Chancery upon entering the duties of said office he shall and must be required to file with the Probate Judge of Dale County, Alabama, a surety bond in the sum of ten thousand dollars for the faithfully performance of the duties of his office, the bond filed must be approved by the Board of Revenue of said County or like governing body of said County.

Section 8. The Clerk of the Circuit Court and Register in Chancery must keep his office at the place at which the Court where he is Circuit Clerk and Register in Chancery, is held.

Section 9. That all laws and parts of laws, both general and local, as applied to Dale County, Alabama, in conflict with the provisions of this Act, be and same are hereby repealed. Especially repealing article six, title 13, sections 210, 211 and 212. of the Code of Alabama, of 1940.

Section 10. The provisions of this act shall become effective from and after the first Monday after the second Tuesday in January, 1947, and after



or subsequent to the date of ratification and adoption of an amendment to the constitution of Alabama, making this Act constitutional.

STATE OF ALABAMA,  
DALE COUNTY.

Before me, a notary public in and for said county and state, personally appeared Mrs. Vivian Adams, who deposeth and sayeth that she is the publisher of THE SOUTHERN STAR, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows: May 13, 1943; May 20, 1943; May 27, 1943; June 3, 1943.

Signed: MRS. VIVIAN ADAMS,  
Publisher.

Sworn to and subscribed before me this 7 day of June, 1943.  
(SEAL) THELMA MARTIN,  
Notary Public.  
My Commission Expires 12-18, 1943.

Also:

By Mr. Barrett:

H. 775. For the relief of Mrs. Jewel Hall, widow, and James Clifton Hall and W. C. Hall, minor sons of Woodrow Comer Hall, deceased, and to authorize the Court of County Commissioners of Pickens County, Alabama to pay to said Jewel Hall, widow, the sum of Five Hundred Dollars and to each of said minor sons the sum of Five Hundred Dollars as compensation for the death of said Woodrow Comer Hall growing out of an accident while in the service of said County as an employee thereof.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that a bill will be introduced for passage in the Legislature of Alabama, a substantial copy of which is as follows:

#### A BILL TO BE ENTITLED AN ACT

For the relief of Mrs. Jewell Hall, widow, and James Clifton Hall and W. C. Hall, minor sons of Woodrow Comer Hall, deceased, and to authorize the Court of County Commissioners of Pickens County, Ala., to pay to said Jewel Hall, widow, the sum of five hundred dollars and to each of said minor sons the sum of five hundred dollars as compensation for the death of said Woodrow Comer Hall, growing out of an accident while in the service of said County as an employee thereof.

Whereas, Woodrow Comer Hall was on or about the 8th day of June, 1942, while in the employ of Pickens County, Ala., operating a truck in said employment, received injuries from which he died soon thereafter, and said decedent left surviving him a widow, Mrs. Jewel Hall, and two minor sons, James Clifton Hall and W. C. Hall, as his heirs at law, therefore,

Be it enacted by the Legislature of Alabama:

Section I. That the Court of County Commissioners of Pickens County, Ala., be and the same is hereby authorized and empowered to pay to the relief of and compensation to said Jewel Hall, widow of said Woodrow Comer Hall, the sum of five hundred dollars, and to each of said James Clifton Hall and W. C. Hall, minor sons of said Woodrow Comer Hall, deceased, the sum of five hundred dollars or the reasons and purposes as stated in the preamble hereto.

5-13-4tc

THE STATE OF ALABAMA,  
PICKENS COUNTY.

Before me, M. B. Curry, a Notary Public in and for said County, personally appeared Jack M. Pratt, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dated as follows: May 13, 1943; May 20, 1943; May 27, 1943; June 3, 1943.

JACK M. PRATT,

Subscribed and sworn to before me, this the 10th day of June, 1943.

M. B. CURRY,

Notary Public.

Also:

By Mr. Harris and Mr. Stewart:

H. 754. To amend Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convened in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939, (Local Acts, 1939, page 70 et seq.) be and the same is hereby amended so as to read as follows:

"Section 11. Each Member of the Board shall have authority in emergencies, and in cases where work on the roads within his district would

otherwise be unduly delayed, to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the Board, and without compliance with the provisions of Section 7 of this act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$100.00 in any instance. Each member of the Board shall likewise have authority to have any road machinery or equipment used on the public road within his district repaired without an order of the Board authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any member of the Board to the contrary notwithstanding. Each member of the Board making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor and from whom purchased, and the number of his district, and all such purchase orders shall be numbered consecutively, and one copy thereof shall be delivered to the seller, one forwarded to the Chairman for filing and one retained by the Member of the Board issuing the same and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchase order pertaining thereto and all such claims shall be null and void unless such purchase order shall have been duly issued. Any member of the Board causing any road machinery to be repaired, shall forthwith forward to the Chairman a written report thereof stating the property to be repaired, the nature of the repairs to be made and the name of the person making the same."

Section 2. This Act shall be effective immediately.

W. H. STEWART,  
NORMAN W. HARRIS.

STATE OF ALABAMA,  
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is publisher of The Decatur Daily, which is and has been during the times herein mentioned, a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 19th and 26th days of May, and the 2nd and 9th days of June, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 14 day of June, 1943.  
(SEAL)

OLLIE B. ISLEY,  
Notary Public.

Also:

By Mr. Harris and Mr. Stewart:

H. 753. To authorize the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs and jailers, and to fix their compensation and to repeal all Acts in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convened in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs and jailers, and to fix their compensation and to repeal all Acts in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue and Control of Morgan County, Alabama, be and it is hereby authorized to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs, in addition to his chief deputy, and jailers to enable him to properly perform the duties of his office, and the said Board of Revenue and Control shall fix the compensation of said additional deputies and jailers and provide for the payment thereof out of the general fund of the County.

Section 2. All laws in conflict herewith, particularly an Act of the Legislature of Alabama, approved September 6, 1935, entitled "AN ACT To allow the Sheriff of Morgan County, Alabama, a deputy sheriff in addition to the chief deputy sheriff, and fix his salary, and make it payable out of the general funds of the county in equal monthly installments, said deputy to be located in Decatur, Alabama." are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval.

W. H. STEWART,  
NORMAN W. HARRIS.

STATE OF ALABAMA,  
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is publisher of The Decatur Daily, which is and has been during the times herein mentioned, a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four consecutive weeks, appearing in the issues of said newspaper published on the 19th and 26th days of May, and the 2nd and 9th days of June, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON,

Sworn to and subscribed before me, this 14 day of June, 1943.  
(SEAL)

OLLIE B. ISLEY,  
Notary Public.

Also.

By Mr. Harris and Mr. Stewart:

H. 752. To provide for a trial tax in cases in the Morgan County Court of Morgan County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced at the session of the Legislature of Alabama which convened in May, 1943, and application for its passage and enactment will be made, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a trial tax in cases in the Morgan County Court of Morgan County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. A trial tax of \$2.00 is imposed in each case, criminal and civil, both at law and in equity, which is docketed in the Morgan County Court of Morgan County, Alabama, to be taxed and collected as other costs in said Court, and when collected to be paid by the Clerk or Register of such Court into the general fund of Morgan County, Alabama, less five per cent thereof which may be retained by the Clerk or Register for collecting and remitting such trial tax.

Section 2. This Act shall apply to all cases docketed in said Court on or after the first day of the month following its passage and approval.

W. H. STEWART,  
NORMAN W. HARRIS.

STATE OF ALABAMA,  
MORGAN COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that he is publisher of The Decatur Daily, which is and has been during the times herein mentioned, a newspaper of general circulation published in Decatur, Morgan County, Alabama, and that a certain notice, of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four successive weeks, appearing in the issues of said newspaper published on the 19th and 26th days of May, and the 2nd and 9th days of June, all in the year 1943, and that said publication was made without cost to the State of Alabama.

B. C. SHELTON.

Sworn to and subscribed before me, this 14 day of June, 1943.  
(SEAL)

OLLIE B. ISLEY,  
Notary Public.

Also:

By Mr. Green:

H. 777. To amend an Act, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners," approved October 19th, 1932.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following Bill will be introduced in the present session of the Legislature, Of Alabama. To-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend an Act, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners," approved October 19th, 1932.

Be It Enacted By The Legislature Of Alabama:

That the Act of the Legislature of Alabama, approved October 19th, 1932, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners"—be amended so as to read as follows:

Section 1. That each member of the Court of County Commissioners of Pike County, except the Probate Judge, shall have supervision of and shall be responsible to the Court of County Commissioners for the construction, maintenance and upkeep of the County roads and bridges in his Commissioner's district, and shall make personal inspection of all work under construction in his district, and shall approve all appointments of the County Road Superintendent of all road overseers, apportioners and enumerators necessary for the construction, maintenance and upkeep of the roads and bridges in his district, and shall inspect and approve all reports of overseers in his district, and the Probate Judge shall assist said Commissioners in the performance of their duties to such extent as shall be necessary. That regular terms of the Court of County Commissioners of Pike County, shall be held on the first, second, third and fourth Wednesdays in each month of each year, instead of being held on the second Mondays of each month.

Section 2. That each member of the Court of County Commissioners of Pike County, except the Probate Judge, on presentation to the Court of County Commissioners of a monthly written report, which report shall show road inspections and due diligence on the part of such Commissioner in the performance of his duties, which must be approved by the Commissioners Court, shall receive a monthly salary of One Hundred Dollars (\$100.00) a month, which shall be in lieu of all fees, compensation and expenses allowed by law to such Commissioner for services rendered in and about such Commissioners Court, including the work required as members of the Board of Review, the payment of such salary to be made out of the County Treasury by Warrant drawn by the Probate Judge on the Treasury of the County on the first of each month for the preceding month. That the Probate Judge shall receive as compensation for his services as a member of such Commissioners Court the sum of Three (\$3.00) Dollars for each day or part of a day which he shall preside over the sessions of said Court, together with the fees for recording the minutes and proceedings of the

Commissioners Court as provided by Section 29 of Title Eleven of the Code of Alabama of 1940, said compensation to be paid on the first of each month for the preceding month out of the County Treasury by Warrant of such Judge drawn on the Treasury of the County.

Section 3. That all laws and parts of law in conflict with the provisions of this act are hereby repealed.

Section 4. That this act shall take effect and become operative immediately upon its passage and approval. 5-6-4t.

STATE OF ALABAMA,  
PIKE COUNTY.

Before me, Roy S. Ammons, a Notary Public in and for said State and County, personally appeared M. N. Dodson, who being sworn, deposes and says on oath, that he is the editor of THE TROY MESSENGER, a newspaper published daily, in the City of Troy, Pike County, Alabama, and that the foregoing attached notice, A bill to be entitled An Act, was published in said newspaper 4 times the same appearing in the issues dated: May 6, 13, 20, 27, 1943.

M. N. DODSON.

Sworn to and subscribed before me this the 9 day of June, 1943.

(SEAL)

ROY S. AMMONS,  
Notary Public, Pike County, Ala.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 677, to the Committee on Finance and Taxation.

House bills 747, 783, 781, 766, 769, 775, 754, 753, 752 and 777, to the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Locke:

H. 473. To provide for the acceptance, collection, and distribution of payments or allowances from the United States, or any instrumentality thereof, heretofore or hereafter authorized to be made in lieu of ad valorem taxes upon property which is immune from State taxation.

By Messrs. Fite, Dobbs of Fayette, Johnson of Winston, Stell, Hanksins, and Black:

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees.

H. 473, to the Committee on Finance and Taxation.

H. 611, to the Committee on Agriculture.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Eddins:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.



## RESOLUTIONS

Mr. Bentley offered the following Senate resolution, to-wit:

S. R. 59. BE IT RESOLVED BY THE SENATE OF ALABAMA: That the four members of the War Emergency Council authorized to be elected by the Senate from among its members under the provisions of House Bill 66, which has now become law, be nominated and elected at 12 o'clock noon on Tuesday, the 22nd day of June, 1943, in the following manner:

(1). All nominations shall be made viva voce from the floor of the Senate.

(2). When nominations have been concluded each Senator present shall write the names of four Senators theretofore placed in nomination, and upon the call of the roll of Senators such written names shall be collected by the Pages and deposited with the Secretary of the Senate. The Secretary of the Senate shall thereupon read to the Senate the name of each Senator voted for and a tally of all votes shall be made by the Reading Clerk. The four Senators receiving the highest number of votes provided such highest number of votes constitutes a majority of all Senators present and voting, shall be by the President of the Senate declared the elected members of said War Emergency Council, provided, however, in the event two or more Senators shall receive an equal number of votes, the President of the Senate shall cast the deciding vote.

(3). The Secretary of the Senate shall issue to each Senator so elected a member of said War Emergency Council a certificate to the effect that such Senator has been duly elected such member in accordance with the provisions of said House Bill 87 and in accordance with the provisions of this resolution, which certificate shall be filed with the Governor and recorded in the minutes of the proceedings of said War Emergency Council.

And on motion of Mr. Bentley, the rules were suspended and the resolution adopted.

Mr. Henderson offered the following Senate resolution, to-wit:

S. R. 60. WHEREAS the pages and messengers of the Senate have received the compensation of two dollars a day and certain clerks have received the compensation of four dollars a day and such compensation has been insufficient for the services they have rendered and are rendering the members of the Senate and pay for the extra expenses incident to such services;

NOW THEREFORE BE IT RESOLVED by the Senate, that the pages and messengers of the Senate who have heretofore

received two dollars a day and clerks who have heretofore received four dollars a day, and the door keepers who have received four dollars and fifty cents per day each be paid a sum equal to one dollar a day for each day served in their respective capacities to reimburse them for such expenses.

Which was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 10. To amend Section 24 of Title 11 of the Code of Alabama of 1940.

Also:

H. 407. To submit to the qualified voters of the State of Alabama, at an election to be held at the next General Election after the expiration of three months, after the final adjournment of the present regular session of the 1943 legislature, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the legislature of Alabama, from time to time, by general or local laws to fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston, and whereby all Acts of the regular session of the legislature of 1943, heretofore passed and applicable or purporting to be applicable, to said county, and fixing or purporting to be applicable, to said county, and fixing or purporting to fix the compensation of said named county officers on a salary basis, are validated and confirmed.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to

place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the Treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston. All Acts of the regular session of the legislature 1943 heretofore passed and applicable, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each county in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held at the next General Election after the expiration of three months, after the final adjournment of the present regular session of the 1943 legislature, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate, and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessors, Tax Collectors, Probate Judges, Circuit Clerks, Sheriffs, and Registers of the Chancery Courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices in the following county: Houston. All Acts of the regular session of the Legislature of 1943, heretofore passed and applicable or purporting to be applicable, to said county, and fixing, or purporting to fix, the compensation of said named county officers, on a salary basis, are hereby validated and confirmed.' Yes——— No———." The Choice of the elector shall be indicated by a cross mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and

counted in the same manner as in elections for representatives to the legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 510. To amend the following Sections of Chapter 2 of Title 46 of the 1940 Code of Alabama, viz: Sections 8, 9, 13, 14, 15 and 19.

Also:

H. 669. To abolish the office of Deputy Solicitor of Blount County, and to create in lieu thereof the office of County Solicitor of Blount County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation.

Also:

H. 676. To repeal an act entitled "An Act to enlarge the duties now imposed by law on the Board of County Commissioners or other county governing body of Colbert County, Alabama, by whatever name called, and to authorize said county governing body as now constituted or as hereafter may be constituted, to become the sole purchasing agent for Colbert County, Alabama, of all road machinery, tools, implements, books, blanks, office furniture, fixtures, stationery or any and all articles and things, except postage stamps, which may be required by law to be purchased for or by the County, and to provide the manner and procedure of such purchases and to fix the penalties for failure to comply with this Act," approved March 8, 1933.

Also:

H. 680. To prescribe the salary and manner of payment of the same, of the Chief Deputy Sheriff of Macon County, Alabama.

Also:

H. 681. To authorize the Board of Revenue of Macon County, Alabama, to provide for an additional Deputy Sheriff; to provide the manner and method of his appointment and to fix his salary and make provisions for payment of same; and prescribe his duties.

Also:

H. 686. To abolish the Court of County Commissioners of Escambia County, Alabama; To establish "The Board of Reve-

nue of Escambia County, Ala.," composed of Five (5) Members; In lieu of the Court of County Commissioners of said County as now constituted; To designate and name the members of said Board of Revenue for the present and until their successors are elected and qualified; To require the Judge of Probate of said County to be the Chairman of said Board of Revenue; To provide for the election of the other four (4) members of said Board; to fix the terms of office of the members of said Board; to prescribe the qualifications of the members of said Board; To divide said county in to Four (4) Districts; To make said Districts and the boundaries thereof the same as they are now established by law; To require that one each of said four members of said Board shall be elected from and represent one of said four (4) districts; To prescribe and fix the terms and sessions of said Board and a quorum thereof; To prescribe, fix and limit the powers, jurisdiction and duties of said Board of Revenue, the members of said Board and the Chairman and Clerk thereof; To provide for a Clerk of said Board and his compensation; To provide that all general and local laws which now apply to and govern the Court of County Commissioners of said County shall apply to and govern said Board of Revenue; To provide that all general laws which may hereafter apply and govern Courts of County Commissioners in this State shall apply to and govern said Board of Revenue; To provide for and fix the amount and compensation of the members of said Board; To provide for the filling of all vacancies on said Board of Revenue.

Also:

H. 687. To amend Section 1 of An Act of the Legislature of Alabama, being Local Act No. 120, approved June 27, 1927, page 41, of the Local Acts of 1927, entitled "An Act to fix the salary of the Deputy Solicitor of Escambia County, Ala., and provide for the manner of payment of the same."

Also:

H. 688. To amend Sections 2 and 3 of an Act entitled "An Act to provide for the election of a County Superintendent of Education of Chilton County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" approved April 11, 1933. (Local Acts 1933, No. 136, Senate Bill 203—Duncan).

Also:

H. 689. To authorize the Board of Revenue of Montgomery County to accept the deposit by any incorporated or national bank doing business in the City of Montgomery, acting as depository of

the funds and revenue of the county, of bonds of the United States of America, of the State of Alabama, or of any county or municipality of the State, in lieu of any bond or bonds now required by law for the safe keeping of such funds or revenue.

Also:

H. 692. To authorize the City of Florence, Alabama, a municipal corporation, to enact an ordinance or ordinances fixing the compensation of the tax assessor and tax collector of Lauderdale County for assessing and collecting municipal taxes for the City of Florence; such compensation shall be fixed, one percent for assessing taxes, and one percent for collecting taxes.

Also:

H. 701. To authorize and require the County Commissioners of Russell County, Alabama, to pay \$12,000 out of the General Fund into the Fine and Forfeiture Fund of said County at the rate of not less than \$1,000 per annum, to replace funds heretofore transferred from the Fine and Forfeiture Fund of said County.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Sam High,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 207. To authorize, require, and provide for the payment of the sum of \$290.28 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through April 20, 1943, both inclusive.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## BILLS ON THIRD READING

The bill:

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand and not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies,

including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

Was taken up.

Mr. Cater offered the following amendment to the bill, to-wit:

To amend Paragraph "B" of Section 5, as follows:



B. Each fire insurance company, including Mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city, unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this Act shall forfeit to said Firemen's and Policemen's Pension and Relief Fund the sum of one thousand dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of such city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this Act shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one hundred dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund, and all such forfeitures and penalties provided herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege tax for

the privilege of doing business in such municipality during such year under Section 739 of Title 37.

And on motion of Mr. Madison, said amendment was laid on the table.

Yeas, 13; Nays, 9.

*Yeas:*

Messrs.:	Hill	Madison	Pinson	
Bradford	Hornsby	McCary	Shaver	
Goodwin	Kelly	Newton	Smith	
High	Kilborn			—13
Messrs.:	Carlton	Lawson	Simpson	
Bentley	Cater	Sherrer	Walton	
Black	Espy			—9

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; Nays, 4.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver	
Bentley	Henderson	Madison	Simpson	
Black	High	Newton	Smith	
Bradford	Hill	Pinson	Walton	
Espy	Hornsby			—17

*Nays:* Messrs.: Carlton, Cater, Kelly and Lawson

—4

The bill:

S. 70. To authorize and provide for the sterilization of particular types of mentally diseased, insane, epileptic, mentally deficient, criminal and delinquent persons in the State of Alabama; to provide and define the method of obtaining the authority to sterilize in each case and by whom such authority is to be granted; to define and name the method of sterilization; to provide for appeals from the decision of officials of the Alabama State Hospitals and from the decisions of the County Boards of Censors and Convict Board of Doctors; to designate and prescribe by whom costs and expenses of such proceeding and sterilization operations are to be borne; and to protect against civil or criminal prosecutions persons legally participating in the execution of the provisions of this Act.

Was taken up.

Mr. Henderson offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

TO AUTHORIZE AND PROVIDE FOR THE STERILIZATION OF PARTICULAR TYPES OF MENTALLY DISEASED, INSANE, EPILEPTIC, MENTALLY DEFICIENT; CRIMINAL AND DELINQUENT PERSONS IN THE STATE OF ALABAMA; TO PROVIDE AND DEFINE THE METHOD OF OBTAINING THE AUTHORITY TO STERILIZE IN EACH CASE AND BY WHOM SUCH AUTHORITY IS TO BE GRANTED; TO DEFINE AND NAME THE METHOD OF STERILIZATION; TO PROVIDE FOR APPEALS FROM THE DECISION OF OFFICIALS OF THE ALABAMA STATE HOSPITAL AND FROM THE DECISIONS OF THE COUNTY BOARD OF CENSORS; TO DESIGNATE AND PRESCRIBE BY WHOM COSTS AND EXPENSES OF SUCH PROCEEDINGS AND STERILIZATION OPERATIONS ARE TO BE BORNE; AND TO PROTECT AGAINST CIVIL OR CRIMINAL PROSECUTIONS PERSONS LEGALLY PARTICIPATING IN THE EXECUTION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of Alabama:

SECTION 1. Before any person who has been lawfully committed to any hospital for the insane in the State of Alabama, shall be released or discharged therefrom, and who is, or has been in the opinion of the superintendent of such hospital, afflicted with mental disease or mental deficiency which may have been inherited, or which, in the opinion of the superintendent of such hospital, is likely to be transmitted to descendants, and if he be of the opinion that it is for the best interest of such person and of society that such person be sexually sterilized, the superintendent of such institutions shall, after a careful investigation by himself and at least two members of the medical staff of the Alabama State Hospital, of all the available history, circumstances, facts, and symptoms of the case, determine and decide whether such person shall be sterilized, provided the three physicians thus constituted shall be agreed, and after giving fifteen day's notice to the patient and to his or her legal guardian or next of kin, if there be any residing within this state, shall cause such person to be sterilized so as to be rendered incapable of propagation, as hereinafter provided. The notice required to be given by this section may be given by registered mail directed to the last known address of the next of kin or legal guardian of such patient, with return receipt requested.

SECTION 2. Before any person who has been lawfully committed to any institution maintained for the treatment of mental deficient or feeble minded in the State of Alabama shall be released or discharged therefrom, and who is, or has been, in the opinion of the superintendent of such institution, afflicted with mental deficiency of any grade which may have been inherited, or which is likely to be transmitted to descendants, and if he be of the opinion that it is for the best interest of such person and of society that such person be sexually sterilized, the superintendent of such institution shall, after an investigation made by such superintendent and at least two members of the medical staff of either the State Hospitals or of such institution for feeble-minded, of all the available history, circumstances, facts and symptoms of the case, order such person to be sterilized so as to be rendered incapable of propagation, as hereinafter provided. Notice of this order shall be given to the patient and to his or her next of kin as provided in Section 1 of this Act.

SECTION 3. When a Judge of Probate or Juvenile Court Judge of any county in Alabama shall have his attention called in writing by a representative of State, County or local Social Agency, or by another official or by relatives, or by other interested or disinterested persons to the fact that there resides in his county a person who is delinquent or sexually promiscuous and that such delinquency or promiscuity is due to mental deficiency or feeble-mindedness, it shall be his duty to cause sufficient investigation to be made to convince him of the truth or falsity of such charge, and if he is convinced that such charges are true, he shall forthwith make application on regular form for admission to The Partlow State School for Mental Deficient, supplementing the information given in such application with the further information as to the delinquency and promiscuity. On receipt of such application by the superintendent of The Partlow State School, as room and accommodation in the institution can be provided, he is authorized to advise such Judge of Probate that, if accompanied with the regular form of commitment prescribed by law for committing mental deficient to the said institution, the applicant will be admitted for temporary detention for a sufficient period of time for sexual sterilization by the authorities of the institution as provided in Section 2 of this Act and that after such temporary detention and sterilization such person will be discharged to return to the county from which he or she has been committed, transportation expense being charged to such county, provided that the authorities of The Partlow State School shall have the right and authority to review the findings of the committing judge, and if concurred in, said authorities shall perform such sterilization, proceeding as provided in Section 2

of this Act but if the finding of the committing court should not be concurred in by the authorities of The Partlow School the patient shall be returned to his or her home without sterilization, at the expense of the county of his residence. No sterilization shall be performed under this act without the notice provided for in Section 1.

SECTION 4. If the superintendent or person in charge of any reform school, industrial school, training school or reformatory, maintained by the State of Alabama or any similar institution maintained by any county or municipal government within the state, for the care, custody and training of delinquents or dependents, may have reason to suspect or believe that any inmate of such institution is delinquent or dependent because of constitutional mental or moral deficiency or degeneracy which may be transmitted to off spring, such superintendent or person in charge shall report, in writin, such belief or opinion to the chairman of the County Board of Censors of the County Medical Society in which such institution may be located, together with such data, facts and history as such opinion or belief may be based upon. Upon the receipt of such written report, the chairman of the County Board of Censors shall call together the members of said County Board of Censors, which Board shall examine such individual in connection with a study of the facts, history and circumstances of such case, and if it thereupon finds by majority vote of a quorum present, such person to be delinquent or dependent because af constitutional mental or moral deficiency or degeneracy and if it be of the opinion that it is for the best interest of such person and of society, that such person be sexually sterilized, the said chairman shall proceed as provided in Section 3 of this Act, by application through the proper court of jurisdiction, a Probate Court or a Juvenile Court, which court shall proceed following the provisions of Section 3 of this Act in application and commitment to The Partlow State School for Mental Deficients, and the authorities of The Partlow School are authorized to sterilize cases so committed as Section 3 of this Act so provides.

SECTION 5. When the chairman of the County Board of Censors of the County Medical Society of any county in the State of Alabama shall be formally advised, in writing, by any person of facts disclosing the existence in his county of any mental deficient of any grade, which condition may be transmitted to offspring, it shall be his duty to call together the members of such County Board of Censors who shall constitute a Board for the examination and careful study of such mental deficient, and all available history, facts and symptoms in such case, including family history of insanity, epilepsy, and mental

deficiency, and if after such examination and investigation said board finds by majority vote of a quorum present that such person is mentally deficient or delinquent by reason of such deficiency, which condition may be transmitted to offspring, and if it be of the opinion that it is for the best interest of such person and of society that such person be sexually sterilized, its chairman shall proceed as provided in Section 3 of this Act by application through the proper court of jurisdiction, a Probate Court or a Juvenile Court, which court shall proceed following provisions of Section 3 of this Act in application and commitment to The Partlow State School for Mental Deficients, and the authorities of The Partlow State School are authorized to sterilize cases so committed as Section 3 of this Act provides.

SECTION 6. The term sterilize or sterilization as used in this Act shall be construed to mean bilateral vasectomy or vasosection or resection of the Vas Deferens in the male, and bilateral resection of the Fallopian tubes or Oviducts in the female, or any other scientific sterilization procedure accepted by the Medical Profession as invariably and universally effective and authorized by the State Board of Health of Alabama.

SECTION 7. From any order so entered by the Medical Officers of the State Hospital or a State Institution for Mental Deficients or by a County Board of Censors of any County in Alabama, such person whose sterilization is ordered, or his guardian, parent or next friend, shall, within fifteen days after the date of such order, have a right of appeal to the Circuit Court of the County where such person is domiciled, which appeal will be taken by giving notice, in writing, to the authority making such order and to all other parties to the said proceedings, whereupon the said authority making such order shall forthwith cause a copy of the order with copy of the record on which such order is based, to be sent to the Clerk of said Court in said County, who shall file the same and docket the appeal to be heard and determined by said court as other cases are heard and determined.

The said Circuit Court, in determining such appeal, shall consider the record of the evidence before the County Board of Censors or the superintendent or manager and officers of the institutions hereinabove mentioned, together with such other legal evidence as the court may consider pertinent and proper. The record of said proceedings before said medical authorities and the decision of said medical authorities shall be deemed prima facie correct. Either party may demand a trial by jury.

Upon such appeal the said Circuit Court may affirm, revise, or reverse the orders of said medical authorities appealed from, and may enter such order as it deems just and right, and which it shall

certify to the said medical authorities. The pendency of such appeal shall stay proceedings under the order until the appeal is determined.

Any proper party to such appeal in the Circuit Court may, within thirty days after the date of the final order therein, appeal to the Supreme Court of the State, as by law provided for other appeals, and the Supreme Court shall have jurisdiction to hear and determine said cause, the same as in other cases appealed to said court.

SECTION 8. The necessary expenses to be incurred in effecting the sterilization of inmates in institutions maintained by state, county or municipal funds or appropriations, shall be defrayed out of the funds appropriated or provided for the maintenance of such institution in each instance respectively, provided, that when such operation is to be performed, or other service in connection with the sterilization rendered, by persons already in the employ of such institutions, in each instance no fee is to be charged or collected for this service, except reimbursement of actual expenses incident to performance of such duties as required in the carrying out of the provisions set forth in the foregoing sections of this Act.

In such instances in which the hospital and surgical expenses, incident to the sterilization operation performed on a person who is not an inmate of any of State or other institutions named or mentioned herein, are not promptly met or paid by relatives, the guardian or other interested parties, the actual expenses, including reasonable hospital, medical and surgical fees connected with such sterilization operation, shall be defrayed out of the funds of the county in which such person is domiciled, upon order of the County Board of Revenue or other body authorized to expend the funds of such county.

The State of Alabama shall pay all expenses and costs incident to an appeal from the decision of the Medical Authorities making such order of sterilization, and the solicitor of the Circuit Court to which the appeal is taken shall represent the said medical authorities without additional compensation therefor.

SECTION 9. Nothing contained in this Act shall be construed to authorize the sterilization of any normal healthy person upon his or her own request, or upon the request of any relative or interested party for the purpose of preventing child-bearing or propagation but such sterilization shall be performed only when based upon evidence of mental or moral degeneracy likely to be inherited, such evidence having been properly determined as set forth in the foregoing sections of this Act.

SECTION 10. Nothing in this Act shall be construed to prevent the medical or surgical treatment, for sound therapeutic

reasons, of any person in this state, by a physician or surgeon licensed by this state, which treatment may, incidentally, involve the nullification or destruction of the reproductive organs, or in any instances where sterilization is regarded as necessary by such physician or surgeon for the protection of the health of an individual.

SECTION 11. No physician, or surgeon, or any other person or persons serving on any commission or board, or rendering any other service, or participating in any sterilization operation in compliance with the provisions of, or in carrying out the purpose of, this Act in accordance with its provisions, shall be liable to either civil or criminal prosecution in connection therewith.

SECTION 12. REPEALING CLAUSE:—All laws or parts of laws in conflict with this Act are hereby expressly repealed.

SECTION 13. SEVERANCE:—If any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity shall not affect any other section, clause, provision or portion of this Act which is not of itself void or unconstitutional; and it is now declared that the other parts or sections would have been enacted regardless of any section or parts of sections which might be held void or unconstitutional.

SECTION 14. EFFECTIVE DATE:—This Act shall take effect immediately upon the passage and approval of this Act or its otherwise becoming a law.

Mr. Kilborn moved that further consideration of the bill and pending substitute be indefinitely postponed.

Mr. Henderson moved to lay said motion on the table, which motion was lost.

Yeas, 10; Nays, 12.

*Yeas:*

Messrs.:	Henderson	Lawson	Simpson	
Cater	High	Madison	Walton	
Goodwin	Kelly	Newton		—10

*Nays:*

Messrs.:	Carlton	Hornsby	Pinson	
Bentley	Cobb	Kilborn	Shaver	
Black	Hill	McCary	Smith	
Bradford				—12

The question then recurred on the motion of Mr. Kilborn to indefinitely postpone, which motion prevailed.

Mr. Kilborn then moved that the vote by which the bill, and pending substitute, was indefinitely postponed be reconsidered,



and then moved to lay said motion on the table. The motion to table prevailed.

The bill:

H. 717. To Alter Or Re-arrange the Boundary Lines of the City of Gadsden, Etowah County, Alabama, so As to Include Within The Corporate limits of Said City All Territory Now Within Such Corporate Limits And Also Certain Other Territory In Etowah County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	Pinson
Bentley	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Sherrer
Carlton	High	Madison	Simpson
Cater	Hill	McCary	Smith
Cobb	Hornsby	Newton	Walton

—23

Nays:

—0

The bill:

S. 360. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient to the administration of this act.

As amended on the forty-fifth day, was taken up.

Mr. Henderson offered the following amendment to the bill, as amended, to-wit:

Amend Senate Bill #360 by adding thereto Section 18 reading as follows:

Section 18. Any county which has a county engineer as provided for herein shall be considered as operating its roads on a unit basis.

Mr. McCary moved to lay said amendment on the table, which motion was lost.

Yeas, 2; Nays, 19.

*Yeas:* Messrs.: Kelly and McCary

—2

*Nays:*

Messrs.:	Espy	Hornsby	Shaver
Bentley	Goodwin	Kilborn	Sherrer
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	Pinson	Walton

—19

And the amendment was then adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kelly	Pinson
Bentley	Henderson	Kilborn	St. John (Lawrence)
Black	High	Lawson	Shaver
Bradford	Hill	Madison	Sherrer
Carlton	Hornsby	McCary	Simpson
Cater	Jones	Newton	Smith
Espy			

—24

*Nays:*

—0

Mr. Henderson also offered the following amendment to the bill, to-wit:

Amend Senate Bill #360 by adding after Section 15 Section 15A as follows:

“At any time the provisions of this Act shall operate to prevent the State Highway Department from matching any and all available Federal Funds, the Highway Director, with the approval of the Governor, may discontinue the operation of this State-County Program until such time as it can be resumed without impairment of matching or acquiring all Federal Funds by the State Highway Department.”

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Black	High	Madison	Sherrer
Bradford	Hill	McCary	Simpson
Carlton	Hornsby	Newton	Smith
Cater	Jones	Pinson	Walton
Espy	Kelly		

—25

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kelly	Pinson
Bentley	Henderson	Kilborn	St. John (Lawrence)
Black	High	Lawson	Shaver
Bradford	Hill	Madison	Simpson
Carlton	Hornsby	McCary	Smith
Cater	Jones	Newton	Walton
Espy			

—24  
—0

### RECESS

At 12:30 P. M., on motion of Mr. Carlton, the Senate took a recess until 2:30 o'clock this afternoon.

### AFTERNOON SESSION—FORTY-NINTH DAY

Monday June 21, 1943.

The Senate re-assembled at 2:30 P. M., Lieutenant-Governor Ellis, presiding.

### ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Walton
Cobb	Jones		

—29

### INTRODUCTION OF BILLS

Upon a call of district bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Henderson:

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940," approved May 13, 1943.

Committee on Finance and Taxation.

By Mr. Henderson:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940.

Committee on Rules.

By Mr. Newton:

S. 413. To make it the duty of the Chairman of any hospital board, the duties of which are administrative, in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, to make a monthly report to the board of revenue or other like governing body of the county, of all accounts due said hospital as of the last day of the preceding month; to provide a penalty for his failure to make such report; to make it the duty of said boards of revenue or other like governing body to make a diligent effort to collect said accounts and to authorize said county governing body to employ and pay legal counsel to collect said accounts and to prescribe a penalty for said boards or other like governing bodies' failure to perform said duty and to provide additional salary for members of the boards of revenue or other like governing bodies for the additional duties imposed upon them by this act, and to repeal all laws, general and local, in conflict with the provisions of this act.

Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Taylor:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

And returns same herewith to the Senate.

R. H. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

By Mr. Bentley:

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. H. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Bentley, the Senate concurred in the following House amendment to the bill, S. 98, the title of which is set out in the foregoing Message from the House, to-wit:

Amendment to Senate Bill 98 by Mr. Smyer:

Amend Senate Bill 98 by adding at the end of Section 1 the following "This Act shall be retroactive as of December 7, 1941."

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Madison	Sherrer	
Bentley	Goodwin	McCary	Simpson	
Black	Hill	Newton	Smith	
Bradford	Hornsby	Pinson	Taylor	
Carlton	Kilborn	St. John (Lawrence)	Walton	
Espy	Lawson	Shaver		—22

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	St. John (Lawrence)	
Bentley	Garrett	Madison	Shaver	
Black	Goodwin	McCary	Sherrer	
Bradford	Hill	Newton	Smith	
Carlton	Hornsby	Pinson	Taylor	
Cater	Kilborn			—21

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McIllwain:

H. 451. To Amend Section 223, of Title 51, Code of Alabama, 1940, relating to the reports and payments into particular treasuries by the Tax Collector.

Also:

By Mr. McIllwain:

H. 452. To amend Sections 162, 165, 167, 168, 169, and 170, of Title 55, Code of Alabama, 1940, relating to the Division of Examiners of Public Accounts in the Department of Finance.

Also:

By Mr. Bennett of Calhoun:

H. 767. To Provide for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day during each week in Counties having a population of not less than sixty thousand (60,000), nor more than seventy (70,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

And ordered same sent forthwith to the Senate without engrossment.

R. H. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read on time and referred to appropriate standing committees as follows:

H. 451 and H. 452, to the Committee on Finance and Taxation.

H. 767, to the Committee on County and County Boundaries.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Dodson:

H. 735. To set up an Educational Survey Commission, to provide for its duties and powers, and to make an appropriation therefor.

Also:

By Mr. Smyer:

H. 764. To authorize the Governor of the State of Alabama to contract with the Harrison Company, the Michie Company, and West Publishing Company, on such terms, conditions, and at such prices as appear proper, to digest, compile, annotate, index and print in pocket supplement form for insertion in the 1940 Code of Alabama, all acts of the Legislature of Alabama, passed since July 2, 1940, to authorize the purchase of not exceeding five thousand sets of said supplements and to appropriate the necessary funds for carrying out the purposes of this act.

And ordered same sent forthwith to the Senate without engrossment.

R. H. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 735 and H. 764, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate.

By Mr. Madison:

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 524, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Mr. Edwards and Mr. Sessions:

H. 654. To authorize the county commission or other governing body of any county having a population of 400,000 or more according to the last or any subsequent Federal census to fix the hours of opening and closing of all public offices and departments in the county, the employees of which are paid in whole or in part out of the county treasury.

Also:

By Mr. Black and Mr. Deason:

H. 778. To authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies and to provide for their compensation.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE

The following Act will be introduced at the present session of the Legislature of Alabama.

### AN ACT

Be it enacted by the Legislature of Alabama:

That an Act entitled an Act, authorizing the Sheriff of Walker County, Alabama, to appoint two special and general deputies, approved June 3, 1935, be amended by amending Section 2 of said Act to read as follows:

SECTION 2. That one of said deputies to be designated by said Sheriff at the time of appointing them, shall receive as compensation \$250.00 per month and the other of said deputies shall receive \$175.00 per month, each payable monthly.

SECTION 5. This Act shall take effect upon its approval by the Governor.

CHESTER M. BLACK.

STATE OF ALABAMA,  
COUNTY OF WALKER.

Before me, the undersigned authority in and for said State and County, this day personally appeared Bernard Guthrie, Publisher of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice—An Act who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Union News for 4 consecutive weeks, namely May 6, 13, 20 and 27th, 1943.

THE UNION NEWS,  
By BERNARD GUTHRIE,  
Publisher.

Sworn and subscribed to before me, this 10 day of June, 1943.  
(SEAL)

W. H. HUBBARD,  
Notary Public.  
Judge City Court of Jasper, Ala.

Also:

By Mr. Smyer and Mr. Head:

H. 773. To change, fix, define and establish the boundary line between Jefferson County and Shelby County.



With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,  
SHELBY COUNTY.

Personally appeared before me Cecil Duke, a Notary Public in and for said County in said State, Mrs. Luther Fowler, who being by me first duly cautioned and sworn deposes and says that she is the owner and publisher of the Shelby County Reporter, a weekly newspaper, published in the State of Alabama, and in the town of Columbiana and in the County of Shelby in said State; and that a legal notice was published for four consecutive weeks in said above named weekly newspaper, which said notice was in words and figures as follows:

"Please take notice that application will be made to the Legislature of Alabama at its present session for the passage of an Act to change, fix, define and establish the boundary line between Jefferson County and Shelby County."

Affiant, the said Mrs. Luther Fowler, further deposes and says that the said legal notice was published in the said above named weekly newspaper on the dates of May 20, 1943, May 27, 1943, June 3, 1943, and June 10, 1943.

MRS. LUTHER FOWLER,

Affiant, who is the owner and Publisher of the Shelby County Reporter.

Sworn to and subscribed before me on this the 11th day of June, 1943.  
(SEAL)

CECIL DUKE,

A Notary Public in and for Shelby County, Alabama.

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Personally appeared before me Rufie H. Bell, a Notary Public in and for said County in said State, Amie B. Meadows, who being by me first duly cautioned and sworn deposes and says that she is the Publisher of the Birmingham Record, a weekly newspaper, published in the State of Alabama, and in the City of Birmingham and in the County of Jefferson in said State; and that a legal notice was published for four consecutive weeks in said above named weekly newspaper, which said notice was in words and figures as follows:

"Please take notice that application will be made to the Legislature of Alabama at its present session for the passage of an Act to change, fix, define and establish the boundary line between Jefferson County and Shelby County."

Affiant, the said Amie B. Meadows, further deposes and says that the said legal notice was published in the said above named weekly newspaper on the dates of May 22, 1943, May 29, 1943, June 5, 1943, and June 12th, 1943.

AMIE B. MEADOWS,

Affiant, who is the Publisher of the Birmingham Record.

Sworn to and subscribed before me on this the 14th day of June, 1943.  
(SEAL)

RUFIE H. BELL,

A Notary Public in and for Jefferson County, Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 654, 778 and 773, to the Committee on Local Legislation.

## BILLS ON THIRD READING

The bill:

S.371. To create the Elementary Teacher's Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such Fund to the State Teachers Colleges subject to the rules and regulations of the State Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 4.

Yeas:

Messrs.:	Espy	Kelly	Pinson
Bentley	Goodwin	Lawson	St. John (Lawrence)
Black	High	Madison	Smith
Bradford	Hill	McCary	Taylor
Cater	Hornsby	Newton	Walton

—19

Nays: Messrs.: Carlton, Kilborn, Shaver and Simpson

—4

The bill:

S. 200. To amend Section 24 of Title 2 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	High	Lawson	Simpson
Bradford	Hill	Madison	Smith
Cater	Hornsby	McCary	Taylor
Espy	Jones	Pinson	Walton

—23

Nays:

—1

The bill:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and air craft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to establish fees therefor, to operators, instructors, air craft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries; to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

As amended by the amendment of Mr. Kilborn, adopted on the Thirtieth Day, was taken up.

The amendment offered by Mr. Hornsby on the Thirtieth Day, which said amendment is set out in the Thirtieth Day Journal, was then adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Newton	Walton
Espy	Jones	Pinson	
			—26

*Nays:*

—0

And said bill, as thus amended, was then read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Jones	Pinson	Walton
Espy	Kelly	St. John (Lawrence)	
			—26

*Nays:*

—0

The bill:

S. 199. To regulate the sale or bartering of eggs; to define a dealer; and to prescribe a fee for engaging in such business.

Was taken up.

Mr. Garrett offered the following amendment to the bill, to-wit:

Amend Senate Bill 199, by striking therefrom Section 1 as same now appears in said Bill, and substitute in lieu thereof the following as Section 1.

Section 1. Dealer Defined. Every person engaged in the business of buying or the bartering for eggs for resale who has an average business of ten cases or more per week over a period of three months shall be deemed to be a dealer for the purposes of this Act.

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Goodwin	Kilborn	Shaver
Bentley	High	Lawson	Sherrer
Black	Hill	Madison	Simpson
Bradford	Hornsby	McCary	Smith
Cater	Jones	Pinson	Taylor
Cobb	Kelly	St. John (Lawrence)	Walton
Garrett			

—24

Nays:

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Bradford	High	Lawson	Simpson
Cater	Hill	Madison	Smith
Cobb	Hornsby	McCary	Taylor
Espy	Jones	Pinson	Walton

—23

Nay: Mr. Sherrer

—1

The bill:

S. 310. To require all county officers to make an annual report to the boards of revenue, the courts of county commissioners, or other county governing bodies showing all salaries, fees costs,

commissions, and charges earned or collected by them during the last fiscal year by reason of any official act, or for the performance of any service connected directly or indirectly with their county offices, or for the sale of any information or copies of any documents, papers, maps, or records relating directly or indirectly to said offices; and to require publication of a report containing this information by the said county governing bodies.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 310—Caption. By striking all words after the word “require” in line ten thereof, and by adding after the word “require” the following: every such annual report to be filed for record in the Probate Office of the County in which made, to require the publication of the gross amount shown to have been received for each year by each of such County Officers, and to provide a penalty for the violation hereof.

Amend Senate Bill 310—Section One. By adding the following sentence at the end of said Section: Each such report shall be in writing and shall be sworn to by the officer making and filing same, and shall be a public record open to the inspection of any person interested.

Amend Senate Bill 310—Section Two. By changing the period at the end of the Section to a comma and adding the following: but such publication shall state only the gross amount received by such official.

Amend Senate Bill No. 310 by adding Section Three and a half as follows: Section 3 1/2—Every County Official who shall fail to make and file the report herein provided for, and every County official who shall, knowingly, file any false report, shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine of not less than \$50.00 and not more than \$500.00, and may also, at the discretion of the Court trying the case, be sentenced to hard labor for the County for not less than thirty days nor more than six months.

Which was adopted.

Yeas, 22; Nay, 1.

Yeas:

Messrs.:  
Bentley  
Black

Bradford  
Cater  
Cobb

Espy  
High  
Hill

Hornsby  
Jones  
Kelly

Kilborn	McCary	Shaver	Taylor	
Lawson	Newton	Simpson	Walton	
Madison	St. John (Lawrence)	Smith		—22

Nay: Mr. Henderson —1

Mr. Goodwin moved that further consideration of the bill, as amended, be indefinitely postponed.

Mr. Kelly moved to lay said motion to postpone on the table, which motion was lost.

Yeas, 13; Nays, 15.

Yeas:

Messrs.:	Cobb	Kelly	McCary	
Bentley	High	Kilborn	St. John (Lawrence)	
Bradford	Hill	Madison	Simpson	
Cater	Jones			—13

Nays:

Messrs.:	Gairrett	Lawson	Sherrer	
Black	Goodwin	Newton	Smith	
Carlton	Henderson	Pinson	Taylor	
Espy	Hornsby	Shaver	Walton	—15

The question then recurred on the motion to indefinitely postpone, which motion prevailed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 495. To amend Section 154, of Title 41, of the 1940 Code of Alabama.

R. T. Goodwyn, Jr.,

Clerk.

#### SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill

H. 115, said Governor's message being in words and figures as follows, to-wit;

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
Montgomery, Alabama

The Members Thereof:

I herewith transmit to you a message from the Governor returning House Bill No. 115 with suggested Executive Amendment.

Respectfully submitted,

A. M. McDOWELL,  
Legal Adviser to the Governor.

June 21, 1943.

To the House of Representatives  
Montgomery, Alabama

The Members thereof:

I am herewith returning to you, the body in which bill originated, House Bill No. 115, without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend Section 10 of said bill so as to read as follows:

"Section 10. In all cases of automatic appeals the Appellate Court may consider, at its discretion, any testimony that was seriously prejudicial to the rights of the appellant, and my reverse thereon even though no lawful objection or exception was made thereto. The Appellate Court shall consider all of the testimony and if upon such consideration is of opinion the verdict is so decidedly contrary to the great weight of the evidence as to be wrong and unjust and that upon that ground a new trial should be had, the Court shall enter an order of reversal of the judgment and grant a new trial, though no motion to that effect was presented in the court below."

Respectfully,

CHAUNCEY SPARKS,  
Governor.

June 21, 1943.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill H. 115 by a vote of: Yeas, 63; Nays, 0, which was a majority of the whole number elected to the House, and said bill:

By Mr. Locke:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor: to define an indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

As amended by the amendment proposed by His Excellency,

the Governor, was again read a third time at length and passed by a vote of Yeas, 63; Nays, 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 115, the title of which and said amendment is set out in the foregoing Message from the House.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	Pinson
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Cater	Hill	McCary	Taylor
Cobb	Jones	Newton	Walton
Espy			

—24

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, H. 115, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Espy	Hornsby	Newton
Bentley	Garrett	Jones	Pinson
Black	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Taylor
Cater	High	Madison	Walton
Cobb	Hill	McCary	

—22

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:



S. 136. To amend Section 3 of Title 30 of Code of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Thomas:

H. 576. For the relief of The Western Railway of Alabama through the refund to it by the State of Alabama of certain sums paid by it by mistake of fact or law or erroneously to the State of Alabama as gross receipts taxes for the years 1932, 1933, 1934, 1935, 1937, and 1938, and to appropriate for this purpose the sum of \$37,113.96 out of any monies in the States Treasury not otherwise appropriated.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced in the present session of the Legislature of Alabama:

#### AN ACT

For the relief of The Western Railway of Alabama through the refund to it by the State of Alabama of certain sums paid by it by mistake of fact or law or erroneously to the State of Alabama as gross receipts taxes for the years 1932, 1933, 1934, 1935, 1937, and 1938, and to appropriate for this purpose the sum of \$37,113.96 out of any monies in the State Treasury not otherwise appropriated.

WHEREAS, under Section 180 of Title 51 of the Code of Alabama of 1940 a license or privilege tax is levied upon each person engaged in the business of operating a railroad in the State of Alabama, in a sum equal to 2½ per cent of the gross receipts of such railroad from all intrastate business of such railroad within the State of Alabama during the preceding year; and

WHEREAS, the said section contains a provision that said section shall not apply to any independently owned railroad whose gross receipts did not exceed \$300,000 during the preceding year; and,

WHEREAS, The Western Railway of Alabama was and is an independently owned railroad and its gross receipts from intrastate business within the State of Alabama was less than \$300,000 for each of the years 1931, 1932, 1933, 1934, 1936 and 1937; and,

WHEREAS, The Western Railway of Alabama did by a mistake of fact or law or erroneously pay directly to the Department of Revenue, for the State of Alabama, the following gross receipts taxes:

In the year 1932, based on 1931 business, the sum of.....	\$ 4,935.18
In the year 1933, based on 1932 business, the sum of.....	6,049.40
In the year 1934, based on 1933 business, the sum of.....	6,111.65
In the year 1935, based on 1934 business, the sum of.....	6,146.55
In the year 1937, based on 1936 business, the sum of.....	7,259.00
In the year 1938, based on 1937 business, the sum of.....	6,612.18
	<hr/>
	\$37,113.96

and,

WHEREAS, Section 913 of Title 51 of the Code of Alabama of 1940 provides that where any taxpayer, in the payment of taxes or licenses which are paid directly to the Department of Revenue, and where by a mistake of fact or law has paid an amount in excess of the amount due or has made an erroneous payment, the Comptroller is authorized to draw his warrant on the Treasurer in favor of such taxpayer, and the Treasurer is authorized to pay such warrant for the amount of such over-payment or erroneous payment. Before any refund under this section can be made, the taxpayer, his heirs, successors, or assigns, shall file in duplicate, petition directed to the Department of Revenue, setting up the fact relied on to procure the refunding of the money erroneously paid. Such application must be made within two years from the date of such payment; and,

WHEREAS, more than two years has now elapsed since the dates of the payments of such taxes hereinabove noted; and,

WHEREAS, The Western Railway of Alabama is entitled to reimbursement by the State of Alabama for the funds erroneously paid, as hereinabove noted, totalling the sum of \$37,113.96.

THEREFORE,

Be It Enacted By The Legislature Of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$37,113.96 for the relief of The Western Railway of Alabama, being the total of the amounts of gross receipts taxes erroneously paid by The Western Railway of Alabama directly to the Department of Revenue, for the State of Alabama, as follows:

In the year 1932, based on 1931 business, the sum of.....	\$ 4,935.18
In the year 1933, based on 1932 business, the sum of.....	6,049.40
In the year 1934, based on 1933 business, the sum of.....	6,111.65
In the year 1935, based on 1934 business, the sum of.....	6,146.55
In the year 1937, based on 1936 business, the sum of.....	7,259.00
In the year 1938, based on 1937 business, the sum of.....	6,612.18

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\$37,113.96

Section 2. BE IT FURTHER ENACTED that immediately upon the passage of this Act and its approval by the Governor, the State Comptroller shall issue his warrant upon the State Treasury in favor of The Western Railway of Alabama for the sum of \$37,113.96.

Section 3. This Act shall take effect upon its passage and approval by the Governor.

THE WESTERN RAILWAY OF ALABAMA

By: Steiner, Crum & Weil,  
General Counsel.

May 6, 13, 20, 27, 1943.

STATE OF ALABAMA,  
MONTGOMERY COUNTY

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me; deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 6-13-20-27, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 27th day of May, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 576, to the Standing Committee on Local Legislation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sessions:

H. 334. To Amend Section 493 of Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Dearman:

H. 260. To provide that any male person who goes near and stares, gazes or peeps into any room, apartment, chamber or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor; and to fix his punishment therefor.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 334, to the Committee on Finance and Taxation.

H. 260, to the Committee on Judiciary.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 207. To authorize, require, and provide for the payment of the sum of \$290.28 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through April 20, 1943, both inclusive.

Also:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

Also:

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 524, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

Also:

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940:

Sam High,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Report from the committee on Enrolled Bills.

The bill:

H. 242. To create and establish a Division of Records and Reports in the Office of the Governor; to prescribe its functions, duties, and powers; to provide for annual reports by certain State agencies and for the manner of issuance and distribution thereof; and to make an appropriation for the maintenance and support of the Division of Records and Reports.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. 242 by striking therefrom "Section 5" and substituting in lieu thereof Section 5 as it appears in the bill as originally introduced.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hornsby	McCary	Taylor
Cater	Jones	Pinson	Walton
Espy			

—24

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Newton	Taylor
Cobb	Jones	Pinson	Walton
Espy			

—28

*Nays:*

—0

*The bill:*

S. 170. To amend Title 39, Section 13 of the Code of Alabama of 1940, a part of the Negotiable Instruments Law, so as to broaden the scope of when an instrument is payable to bearer.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Jones	Pinson
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	Henderson	Lawson	Sherrer
Bradford	High	Madison	Simpson
Cater	Hill	McCary	Taylor
Cobb	Hornsby	Newton	Walton
Espy			

—24

*Nays:*

—0

*The bill:*

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit:

Amend S. B. 347 by adding immediately after the enacting clause the following

“Section 1. That”

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kelly	Pinson
Bentley	Henderson	Kilborn	St. John (Lawrence)
Black	High	Lawson	Sherrer
Bradford	Hill	Madison	Simpson
Cater	Hornsby	McCary	Taylor
Espy	Jones	Newton	Walton
Garrett			

—24

*Nays:*

—0

And said bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Bentley	Henderson	Kilborn	Sherrer
Black	High	Lawson	Simpson
Bradford	Hill	Madison	Smith
Cater	Hornsby	McCary	Taylor
Cobb	Jones	Newton	Walton
Espy			

—24

*Nays:*

—0

The bill:

H. 750. To authorize the governing body of Montgomery County, Alabama to impose an excise tax on persons, corporations, co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax; and to repeal an Act entitled an Act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said County gasoline or any devices or substitutes therefor. The tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said County, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this Act and to fix penalties for the violation of any provision of this Act, and to provide for the desposition and use of this tax.", approved March 1, 1939.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Black	Cater	Garrett
Bentley	Bradford	Espy	Henderson

High	Kelly	McCary	Simpson
Hill	Kilborn	Newton	Smith
Hornsby	Lawson	St. John (Lawrence)	Taylor
Jones	Madison	Sherrer	Walton

—23

Nays:

—0

The bill:

S. 312. To amend Section 3, Title 54, Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Simpson
Black	Henderson	Madison	Smith
Bradford	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Walton
Espy	Kelly		

—21

Nays:

—0

The bill:

H. 405. To provide for the care and maintenance of the former inmates of the Confederate Soldiers' Home at Mountain Creek.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	High	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Pinson	Taylor
Cater	Kelly	St. John (Lawrence)	Walton
Espy			

—24

Nays:

—0

The bill:

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the State in addition to that appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculosis Sanatorium in Morgan County, Alabama, with water.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.



*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Walton	
Cobb	Kelly	St. John (Lawrence)		—26

*Nays:* —0

The bill:

H. 33. AN ACT RELATNG TO THE INVESTMENT OF FUNDS OF COUNTIES, CITIES AND TOWNS.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Goodwin	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Pinson	Taylor	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb	Kelly			—25

*Nays:* —0

The bill:

S. 394. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,979 inhabitants and not more than 21,912 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Was taken up.

Mr. Newton offered the following amendment to the bill, to-wit:

Amend Senate Bill 394

Amend the title by substituting the figures 20979 for the figures 20977 wherever the same appears, and also by substituting the figures 21,910 for the figures 21,912 wherever the same appears.

Which was adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Black	High	Madison	Sherrer
Bradford	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton
Espy			

—24

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Cater	Hill	McCary	Simpson
Cobb	Hornsby	Newton	Taylor
Espy	Kelly	Pinson	Walton

—23

*Nays:*

—0

## MOTION REQUESTING COMMITTEE TO REPORT BILL

Mr. Cobb offered the following motion in writing:

"Senate Chamber  
June 21, 1943  
Senate Bill 378

To provide for teaching spelling and teaching arithmetic in the High Schools of Alabama and penalties for violating the provisions of this act. Introduced on June 15th 1943 it being the 43rd legislative day and referred to the Standing Committee on Education was on the 16th day of June indefinitely postponed under rule 51 of the Senate.

It is now moved, and motion made requiring said Standing Committee to report said Senate Bill 378 out of said Committee—Forthwith!

Lem J. Cobb,  
Sen. 29th List."

Which was unanimously adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sullivan:

H. 725. To make it unlawful to remove or transport, by any means whatsoever, to a destination beyond the State of Alabama, the body of any person dying in the State of Alabama, unless such body shall have been embalmed in accordance with the laws regulating embalming in this State; to provide the duties of the local Registrar of the district in which the death occurred; and to provide penalties for the violation of this Act.

Also:

By Mr. Thomas:

H. 212. To amend Section 180, Title 51, of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 725, to the Committee on Judiciary.

H. 212, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Duffee:

H. 422. In reference to and to further provide for a general revenue of the State of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 422, to the Committee on Finance and Taxation.

## BILLS ON THIRD READING

The bill:

S. 311. To amend sub-section (j) of Section 2, Title 51 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

Nays:

—0

The bill:

H. 641. To apply only to employees who are subject to the provisions of Chapter 12 (Section 133 to 159, inclusive) of the 1940 Code of Alabama; and to provide that in the event (a) an employee resigns from a position for the purpose of becoming a candidate for nomination or election to a public office, and (b) within the six month period next succeeding the day of his resignation he is reinstated to the eligible list for said position, and (c) thereafter and still within the six month period next succeeding the day of his resignation he is reappointed to said position, and (d) the position has not been filled between the day of his resignation and the day of his reappointment—then, the employee shall be considered for all purposes as having been on leave of absence during the period of time between the day of his resignation and the day of his reappointment; and to further provide that this Act shall apply both retrospectively as well as prospectively, except, however, that in so far as this Act will operate to increase the rate of pay of any present employee, such increased rate of pay shall commence only on the day on which this Act becomes a law.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Carlton	Espy	Hill
Bentley	Cater	Garrett	Hornsby
Bradford	Cobb	High	Kelly

Kilborn	McCary	St. John (Lawrence)	Simpson
Lawson	Newton	Shaver	Taylor
Madison	Pinson	Sherrer	Walton

—23

Nays:

—0

The bill:

H. 580. To amend Sections 2, 7, 10, 11, 13, 14, 25, 26 and 27 of an act of the Legislature, approved September 7, 1935, entitled "An Act To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same."

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Garrett	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

Nays:

—0

The bill:

H. 738. Relating to the salaries of the officers of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, to fix the salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, and to fix the maximum amount of the respective salaries to be received by the Probation Officers of said Juvenile and Court of Domestic Relations—Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 530. To provide for appeals to the circuit court in counties having a population of 400,000 or more according to the last or any subsequent Federal census, from decisions of the Board of Equalization in such counties; and to provide for the proceedings and procedure in the circuit court, on such appeals.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 339. To amend section 166 of Title 13 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 640. To amend Section 27, Title 17, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—25

*Nays:*

—0

The bill:

H. 220. To amend Title 13, Section 199 of the Code of Alabama.

Was taken up.

The Standing Committee on Local Legislation offered the following amendment to the bill, to-wit:

Amend Section 1, House Bill 220 by striking therefrom the words "forty-eight hundred dollars" wherever the same occurs therein, and inserting therein in lieu thereof the words "forty-six hundred dollars."

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	High	McCary	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Taylor
Cobb	Kelly	St. John (Lawrence)	Walton
Espy	Kilborn		

—24

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Shaver
Benson	Cobb	Kelly	Sherrer
Bentley	Espy	Kilborn	Simpson
Black	Garrett	Newton	Smith
Bradford	Goodwin	Pinson	Taylor
Carlton	Hornsby	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 554. To amend Section 732, Title 37 of the Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 639. To amend Section 26, Title 17, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Henderson	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

S. 201. To provide that the State Department of Agriculture and Industries shall conduct a program in accordance with the National Poultry Improvement Plan and to provide for the acceptance of fees for service rendered.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	High	Madison	Simpson
Cater	Hill	McCary	Smith
Cobb	Hornsby	Pinson	Taylor
Espy	Kelly	St. John (Lawrence)	Walton

—23

*Nays:*

—0



The bill:

H. 270. In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children and for the purpose of eliminating unnecessary school building construction costs by providing for review by the chief state school architect and approval by the state superintendent of education of all plans and specifications for public school buildings prior to construction of such buildings; by providing for preliminary and final inspection of such buildings by the state superintendent of education, or his agent, before final payment for said buildings is made; by providing that no contract made by a county or city board of education relating to school building construction is valid unless the contemplated building project is included in the annual capital outlay program required by the Minimum Program Law to be filed with the state superintendent of education; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund; and by providing penalties for the violation of the provisions of this act.

Was taken up.

The Standing Committee on Education offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children; by providing for preliminary and final inspection of school buildings by the state superintendent of education or his agent for the purpose of seeing that such buildings are constructed in accordance with the plans and specifications under which the contract was let; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; and by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department

of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund.

Be It Enacted by the Legislative of Alabama:

Section 1. That in order to eliminate the causes of school fires and other conditions which jeopardize the health and safety of school children:

(1) The county or city superintendent of education shall notify the state superintendent of education within ten days after the beginning of the construction of a building and upon the request of the county or city superintendent of education, the state superintendent of education or his agent shall inspect said building during construction for the purpose of seeing that plans and specifications upon which the contract was let are being complied with.

(2) A county or city superintendent of education shall not recommend, and a county or city board of education shall not approve, for payment more than 90 per cent of the contract price of the building constructed by the county or city board of education until the state superintendent of education or his agent has made a final inspection of said building for the purpose of seeing that the plans and specifications upon which the contract was let have complied with in full. The state superintendent of education or his agent must make final inspection of a school building within ten days after being notified by the county or city board of education that the building is ready for final inspection. When the state superintendent of education or his agent makes a final inspection of a building and finds that it has been completed in accordance with said plans and specifications, the state superintendent of education must within five days after said final inspection give the county or city board of education written notice that the building has been completed in accordance with plans and specifications. If the state superintendent of education or his agent in making final inspection finds that the building has not been completed in accordance with plans and specifications, the state superintendent of education shall not authorize acceptance of said building until it has been completed in accordance with the plans and specifications on which the contract was let or until the contractor or his bondsmen make an adjustment satisfactory to the county or city board of education and the state superintendent of education. Final acceptance of a building cannot be made by a county or city board of education and the final payment of 10 per cent of the contract price of such building cannot be made until the state superintendent of education has given written notice to the county or city board of education that said building has been completed in accordance with the plans and specifications upon which the contract was let.

(3) Contracts for architectural services and for school building construction shall be made by county and city boards of education on contract forms prescribed by the state superintendent of education, into which forms the contracting parties shall write the terms and conditions of the contract agreed upon.

(4) Representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund shall at all times have the authority to inspect for fire hazards school buildings insured in the State Insurance Fund. Reports of said inspections shall be made to the county or city superintendent of education, the state superintendent of education, and the director of finance of the state department of finance. If a board of education fails within thirty days to eliminate a potential fire hazard, or hazards, in a school building insured in the State Insurance Fund when notified to do so by a representative of the state department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund, upon the recommendation of the state superintendent of education, the director of finance shall have the authority to order the affected building vacated and closed until said potential fire hazard, or hazards are eliminated.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That if any part of this act shall be unconstitutional, the rest shall stand.

Section 4. That this act shall take effect immediately upon its passage and approval by the governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Carlton	High	McCary	Smith	
Cater	Hill	Newton	Taylor	
Cobb	Hornsby	Pinson	Walton	
Espy	Kelly	St. John (Lawrence)		—26

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Carlton	High	McCary	Smith	
Cater	Hill	Newton	Taylor	
Cobb	Hornsby	Pinson	Walton	
Espy	Kelly	St. John (Lawrence)		—26

*Nays:*

—0

The bill:

H. 313. To provide for the disposition and use of the profits, including all tax levied upon the selling price of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama Liquor Stores operated under the Alcoholic Beverage Control Board of Alabama.

Was taken up.

Mr. Walton moved that further consideration of the bill be postponed until the Fifty-third Day, and that 250 copies be ordered printed for the use of the Senate.

Mr. Smith moved to lay said motion on the table, which motion was lost.

Yeas, 13; Nays, 14.

*Yeas:*

Messrs.:	Espy	Madison	Simpson	
Benson	High	McCary	Smith	
Black	Hill	Sherrer	Taylor	
Cater	Kelly			—13

*Nays:*

Messrs.:	Cobb	Kilborn	St. John (Lawrence)	
Bentley	Garrett	Lawson	Shaver	
Bradford	Henderson	Newton	Walton	
Carlton	Hornsby	Pinson		—14

And the bill, H. 313, was postponed until the Fifty-third Day and 250 copies ordered printed for the use of the Senate.

The bill:

H. 718. To authorize the members of the Court of County Revenue of Franklin County, Alabama, to be paid by said county the same compensations and allowances as are paid or allowed to commissioners of other counties of Alabama under general law.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	High	Madison	Simpson
Cater	Hill	McCary	Smith
Cobb	Hornsby	Pinson	Taylor
Espy	Kelly	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 138. To amend Section 318, Title 15, Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	McCary
Benson	Cobb	Hornsby	Newton
Bentley	Espy	Kelly	Sherrer
Black	Garrett	Kilborn	Simpson
Bradford	Henderson	Lawson	Taylor
Carlton	High	Madison	Walton

—23

*Nays:* Messrs. St. John (Lawrence), Shaver and Smith

—3

The bill:

H. 743. A bill entitled an act for the relief of J. Lee Smith, and to authorize, empower, and direct the Court of County Commissioners of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama, to pay to the said J. Lee Smith, the sum of \$1233.34 out of the general fund in the Treasury of said county, not otherwise appropriated in order to reimburse the said J. Lee Smith for said sum paid by him on account of ex-officio fees theretofore paid to him.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Newton
Bentley	Espy	Kelly	Sherrer
Black	Garrett	Kilborn	Simpson
Bradford	Henderson	Lawson	Taylor
Carlton	High	Madison	Toomer
Cater	Hill	McCary	Walton

—23

*Nays:*

—0

The bill:

S. 374. To amend Sections 3 and 5 of an act entitled "An act to create the office of County Solicitor for Baldwin County, Ala-

bama, to provide the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

Was read a third time at length and passed, and ordered sent ordered same sent forthwith to the Senate without engrossment:

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Newton
Bentley	Espy	Kelly	Sherrer
Black	Garrett	Kilborn	Simpson
Bradford	Henderson	Lawson	Taylor
Carlton	High	Madison	Toomer
Cater	Hill	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 350. To amend Section 74 and Section 177 of Title 29 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	Newton	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater	Kelly		

—25

*Nays:*

—0

## RESOLUTION

The Rules Committee offered the following Senate resolution to-wit:

S. R. 61. BE IT RESOLVED by the Senate that it proceed with the call of Senate Bills on its Calendar in the order they appear thereon, for today's session.

Which was adopted.

## RECESS

At 5:40 P. M., on motion of Mr. Carlton, the Senate took a recess until 7:30 P. M., tonight.

## FORTY-NINTH DAY—NIGHT SESSION

Monday, June 21, 1943.

The Senate re-assembled at 7:30 P. M., Lieutenant-Governor Ellis presiding.

## ROLL CALL

## Present:

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Walton
Cobb	Kelly	St. John (Lawrence)	

—26

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. Lawson:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to create a public board and to appropriate for their use seven thousand dollars, and the further sum of three thousand dollars annually for the purpose of maintaining said memorial.

Committee on Finance and Taxation.

By Mr. Simpson:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

Committee on Finance and Taxation.

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Kilborn, further consideration of the bills: S. 87 and S. 198, were indefinitely postponed by the Senate.

## REPORT OF COMMITTEE

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and the bill was read a second time and placed on the adverse Calendar, to-wit:

S. 378. To provide for teaching spelling and teaching arithmetic in the high schools of Alabama, and penalties for violating provisions of this act.

## BILLS ON THIRD READING

The bill:

S. 202. To regulate the sale of eggs; to give the State Board of Agriculture and Industries authority to make rules and regulations governing same; to provide penalties for the violation of this Act and rules and regulations adopted pursuant thereto; and to repeal Section 274 through 281, Title 2, Article 15, 1940 Code of Alabama, and all laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Benson	Henderson	Lawson	Simpson	
Bentley	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Walton	
Espy	Kelly	St. John (Lawrence)		—22

*Nays:*

—0

The bill:

S. 359. To amend Section 140, Title 46, Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Henderson	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Carlton	Hill	McCary	Smith	
Cater	Hornsby	Newton	Taylor	
Espy	Kelly	Pinson	Walton	

—23

*Nays:*

—0



The bill:

S. 294. To amend Section 72 of Title 13 of the Alabama Code of 1940.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Henderson	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Carlton	Hill	McCary	Smith	
Cater	Hornsby	Newton	Taylor	
Espy	Kelly	Pinson		—22

*Nays:*

—0

The bill:

S. 295. To amend Section 194 of title 55 of the Alabama Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)	
Benson	Henderson	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Carlton	Hill	McCary	Smith	
Cater	Hornsby	Newton	Taylor	
Espy	Kelly	Pinson	Walton	—23

*Nays:*

—0

The bill:

S. 367. To amend Section 304 and Section 314, Title 51 of the 1940 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 1.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)	
Benson	Garrett	Kilborn	Shaver	
Bentley	Henderson	Madison	Sherrer	
Carlton	High	McCary	Simpson	
Cater	Hill	Newton	Smith	
Cobb	Hornsby	Pinson		—22

*Nay:* Mr. Walton

—1

The bill:

S. 80. To amend Section 34 of Title 61 of the 1940 Code of Alabama so that the same shall read as follows:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Henderson	Lawson	Shaver
Bentley	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Taylor
Cobb	Kelly	Pinson	Walton
Espy			

—24

Nays:

—0

The bill:

S. 345. To provide that in all Inferior Courts of Record and all Circuit Courts in Counties in this State, that the Sheriff, or other officers of said Courts may serve any summons for Jury Duty by Registered Mail; and to provide, that return receipt signed by the party to be served shall be construed to be as personal, sufficient and legal service of all such processes; and to fix the duty of the officers of said Courts in event that said processes are returned without being delivered to the addressee.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 1.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Henderson	Lawson	Shaver
Bentley	High	Madison	Sherrer
Cater	Hill	McCary	Simpson
Cobb	Hornsby	Newton	Taylor
Espy	Kelly	Pinson	Walton

—23

Nay: Mr. Carlton

—1

The bill:

S. 372. To Amend Section 85, Title 22 Code of 1940 of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver
Benson	Henderson	Lawson	Sherrer
Bentley	High	Madison	Simpson
Black	Hill	McCary	Smith
Carlton	Hornsby	Pinson	Taylor
Cater	Kelly	St. John (Lawrence)	Walton
Espy			

—24

*Nays:*

—0

The bill:

S. 376. To amend Sections 6 to 27 of Title 43, inclusive of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 11, 13, 15, 16, 19, 20 and 24 and to repeal Section 25 of Title 43 of the Code of Alabama of 1940, all having to do with limited partnerships.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 11 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

At the time of filing the original certificate and acknowledgment, an affidavit of one or more of the general partners must also be filed in the same office, stating that the sums specified in the certificate have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash, or its equivalent.

Section 2. That Section 13 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

If any false statement is made in such certificate or affidavit which causes damages to anyone, all the persons interested in such partnership are liable for such damages as general partners.

Section 3. That Section 15 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

Every alteration which is made in the identity of the partners, or in the capital or shares thereof, must be deemed a dissolution of the partnership; and every such partnership, which is in any manner carried on after such alteration has been made, must be deemed a general partnership as to all partners having knowledge

thereof, unless renewed as a special partnership according to the provisions of the preceding section.

Section 4. That Section 16 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

The business of the partnership must be conducted under the firm name as given in the certificate followed by the word "Limited", or the abbreviation, "Ltd.", and all contracts made by said partnership, or under its authority, without the use of the word "Limited" or "Ltd.", following the partnership's name, shall be unenforceable by the partnership in the courts of this state.

Section 5. That Section 19 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

If it appears that by the payment of interest, or profits, to any special partner, the original capital has of that date been reduced, the partner receiving the same is bound to restore the amount necessary to make good his share of the capital without interest.

Section 6. That Section 20 of Title 43 of the Code of Alabama of 1940 be amended so as to read as follows:

A special partner may, from time to time, examine into the state and progress of the partnership concerns; may advise as to their management, and act as attorney at law, but must not be employed for any purpose as agent or otherwise; and if he acts contrary to the provisions of this section, he is deemed a general partner, as to any one who may be deceived or induced to believe he is a general partner and suffers damages thereby.

Section 7. That Section 25 of Title 43 of the Code of Alabama of 1940 be and the same hereby is repealed.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Shaver
Benson	Garrett	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Carlton	Hill	Pinson	Taylor
Cater	Hornsby	St. John (Lawrence)	Walton
Cobb	Kelly		

—25

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0

Messrs.:	Bentley	Carlton	Cobb
Benson	Black	Cater	Espy

Garrett	Kelly	Pinson	Simpson	
Henderson	Lawson	St. John (Lawrence)	Smith	
High	Madison	Shaver	Taylor	
Hill	McCary	Sherrer	Walton	
Hornsby	Newton			—25

Nays: —0

**The bill:**

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; To prevent misrepresentation thereof; to give the State Board of Agriculture and industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; To repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes—

Was taken up.

The Standing Committee on Agriculture offered the following amendment to the bill, to-wit:

Amend Senate Bill #369; Section 1, Sub-section (o) to read as follows:

The term "dealer" means any person who buys and sells seed in Alabama. An itinerant trucker who buys seed and delivers them or a trucker who brings seed from without the state shall be deemed to be a dealer and shall be subject to the requirements of this Act.

Which was adopted.

Yeas, 24; Nays, 0.

**Yeas:**

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Carlton	Hill	Pinson	Taylor
Cater	Hornsby	St. John (Lawrence)	Walton
Cobb			

—24

Nays: —0

Mr. Henderson offered the following amendment to the bill, to-wit:

Amend Senate Bill #369 Section 4 sub-Section 4 by substituting therefor the words:

To see produced in Alabama and sold by one farmer to another with the provision that if such seed are advertised for sale by a

paid advertisement or by free advertisement through publications of the Alabama Department of Agriculture & Industries that such seed shall be subject to all of the requirements of this Act.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Shaver	
Benson	Garrett	Madison	Sherrer	
Bentley	Henderson	McCary	Simpson	
Black	High	Newton	Smith	
Carlton	Hill	Pinson	Taylor	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb	Kelly			—25

*Nays:*

—0

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend Senate Bill #369 by adding Sub-section 5 to Section 4 thereof to read as follows:

(5) To seed sold or distributed by the grower thereof, unless such grower is also a dealer, to a local merchant in due course of trade and by such local merchant resold in due course of trade, but without advertising and without holding himself out as a dealer as herein defined.

Which was adopted.

Yeas, 21; Nays, 2.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Lawson	Smith
Black	Henderson	Madison	Taylor
Carlton	High	McCary	Walton
Cater	Hill		

—21

*Nays:* Messrs.: Sherrer and Simpson

—2

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nay, 1.

Messrs.:	Espy	Lawson	Shaver
Benson	Garrett	Madison	Simpson
Bentley	Henderson	McCary	Smith
Black	High	Newton	Taylor
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Lawrence)	

—22

*Nay:* Mr. Sherrer

—1

The bill:

S. 380. To Amend an Act known as Senate Bill No. 159 (House No. 160) approved March 15, 1939, creating the office of Clerk of The Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by providing additional compensation for said Clerk for performing such duties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Sherrer
Black	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Walton

—23

Nays:

—0

The bill:

S. 375. To amend Section 94, Title 17, of the Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 2.

Messrs.:	Garrett	Madison	Sherrer
Benson	Henderson	McCary	Simpson
Bentley	High	Pinson	Smith
Black	Hill	St. John (Lawrence)	Taylor
Cater	Kelly	Shaver	Walton
Espy	Lawson		

—21

Nays: Messrs. Carlton and Cobb

—2

The bill:

S. 362. To further regulate insurance companies doing business or writing policies covering property and risks within the incorporated municipalities, and the police jurisdiction thereof, in the State of Alabama.

Was taken up.

The Standing Committee on Municipalities and Municipal Organizations offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To further regulate Insurance Companies doing business or writing policies covering property and risks within the incorporated municipalities, and the police jurisdiction thereof, in the State of Alabama.

Be It Enacted By The Legislature Of Alabama :

SECTION 1. That each and every insurance company, legally authorized to do business in this State, shall, within one hundred and twenty (120) days after the end of each calendar year, file a sworn statement in writing with the Superintendent of Insurance showing the amount of premiums, less return premiums, received from policies written or renewed, covering property and risks within the corporate limits and police jurisdiction of each incorporated municipality in this State, which by ordinance levies an occupational or privilege tax upon such companies or their agents and within the limits of which such company has no licensed agent required by ordinance to report such information to the Mayor or some other official of such incorporated municipality, Such statement shall distinguish between the corporate limits area and the police jurisdiction of each incorporated municipality as to the amount of premiums, less return premiums, received by each such company during the period covered by such statement. All statements filed with the Superintendent of Insurance shall be sworn to by any duly authorized officer or officers of each such company. Failure to furnish such statement to the Superintendent of Insurance within the time herein prescribed shall, if so ruled by the Superintendent of Insurance, cause a forfeiture of the right of each company so failing, to continue to do business in any incorporated municipality in this State until such statement has been furnished.

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Shaver
Benson	Espy	Madison	Sherrer
Bentley	Garrett	McCary	Simpson
Black	Henderson	Newton	Smith
Carlton	High	Pinson	Taylor
Cater	Hill	St. John (Lawrence)	Walton

Nays:

—23

—0



And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Henderson	Madison	Smith	
Black	High	McCary	Taylor	
Carlton	Hill	St. John (Lawrence)	Walton	
Cater	Hornsby			—21

*Nays:* —0

The bill:

S. 307. To provide for the refunding of revenue bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporations to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 0.

Messrs.:	Garrett	Madison	Sherrer	
Benson	Henderson	McCary	Simpson	
Bentley	High	Newton	Smith	
Black	Hill	Pinson	Taylor	
Cater	Kelly	St. John (Lawrence)	Walton	
Espy	Lawson	Shaver		—22

*Nays:* —0

#### MOTION TO REMOVE FROM ADVERSE CALENDAR

Mr. Cobb offered the following motion in writing:

"Senate Chamber of Ala.  
June 21, 1943.

#### Senate Bill 378

To provide for teaching spelling and teaching arithmetic in the High Schools of Alabama and penalties for violating provisions of this act. Introduced on June 15th, 1943, it being the 43rd legislative day and referred to the Standing Committee on Education was under Rule 51 of the Senate adversed as shown by report of Committee on Education.

Notice is hereby given that motion will be made for a second reading of Senate Bill 378 upon next Legislative day.

Lem J. Cobb,  
Senator, 29th Dist."

Which was read and ordered spread on the Journal.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate Bills and Senate joint resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 55. To amend Section 18, 19 and 20 of Title 32 of the Code of Alabama of 1940.

Delivered to the Governor May 12, 1943, at 10:20 a. m.

Also:

S. 15. To amend Sections 35, 36 and 41 of Title 49 of the 1940 Code of Alabama.

Delivered to the Governor May 12, 1943, at 10:20 a.m.

Also:

S. 17. To amend Sections 53, 55, 56, 59, 60 and 61 of Title 49 of the 1940 Code of Alabama.

Delivered to the Governor May 12, 1943, at 10:20 a. m. ,

Also:

S. 26. To amend Sections 29 and 35 of Title 60 of the 1940 Code of Alabama.

Delivered to the Governor May 14, 1943, at 10:25 a. m.

Also:

S. 54. To amend Sections 380, 381 and 382 of Title 55 of the Code of Alabama of 1940.

Delivered to the Governor May 14, 1943, at 10:25 a.m.

Also:

S. 52. To authorize the Director of Finance, the Attorney General and the Highway Director to become a corporation; to prescribe the powers of such corporation, including the power to redeem, refund and retire the indebtedness evidenced by the outstanding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and to raise funds necessary to effect such redemption and refunding by the issuance of securities by such corporation for such purpose, which securities together with

the income therefrom shall be exempt from taxation and may be used to secure deposits of funds of the State and its instrumentalities and agencies and shall not create an obligation or debt of the State and may thereafter be refunded; to authorize the Governor to convey to such corporation and such corporation to acquire the bridges and properties heretofore conveyed to the state by said Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., and all rights which the State and said Alabama State Bridge Corporation and said Alabama Bridge Authority, Inc., may have to call said outstanding bonds for redemption; to make an appropriation and pledge of funds necessary to pay the principal of and interest on the securities assumed and issued by such corporation; to authorize such corporation to pledge such funds and to mortgage its bridges and properties for payment of the principal of and interest of its securities and to limit the scope of any such mortgage to the appointment of a receiver for the collection of tolls in the event of default and so as to prohibit any foreclosure thereof; to authorize and direct the State Treasurer to disburse such funds and to maintain appropriate records pertaining thereto; to provide for the continued maintenance and operation of such bridges and properties free of tolls as a part of the highway system of the state so long as there shall be no default in the securities of the corporation; and to provide for the reconveyance to the state of said bridges and properties upon full payment of all securities assumed and issued by such corporation.

Delivered to the Governor May 14, 1943, at 10:25 a. m.

Also:

S. J. R. 14. Relative to: Forming an organization of the United Nations in the prosecution of the war against the Axis.

Delivered to the Governor May 18, 1943, at 11:05 a. m.

Also:

S. 53. To amend Sections 656 and 657 of Title 51 of the Code of Alabama of 1940.

Delivered to the Governor May 18, 1943, at 11:05 a. m.

Also:

S. 50. To provide for the allocation of funds for the administration of assistance to needy blind persons.

Delivered to the Governor May 19, 1943, at 10:15 a. m.

Also:

S. 91. To require additional duties of the Clerk of the Circuit Court of Mobile County, Alabama, by requiring said Clerk to keep a separate docket in his office available to public inspection at any and all times the said Clerk's office is open for business, in which

said Clerk shall enter any and all orders made by said Court suspending the execution of sentences except in those cases in which the Court has ordered the case placed on the probation docket; to prescribe the information that shall be shown in said docket in regard to any defendant whose sentence has been suspended, pending good behavior, and further to provide for additional compensation for such additional duties of said Clerk.

Delivered to the Governor May 20, 1943, at 11:20 a. m.

Also:

S. 128. To allow the Sheriff of Lauderdale County, Alabama, an additional deputy sheriff to that provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Lauderdale County in monthly installments.

Delivered to the Governor May 20, 1943, at 11:20 a. m.

Also:

S. 93. To authorize and empower the Commissioners Court of Coosa County, Alabama, to maintain, work and keep up all county roads which lead into and through the corporate limits of all municipal corporations in Coosa County, Alabama.

Delivered to the Governor May 21, 1943, at 10:50 a. m.

Also:

S. 114. For the relief of Harry Simon, of Montgomery, Alabama.

Delivered to the Governor May 21, 1943, at 10:50 a. m.

Also:

S. 172. To repeal an act entitled, "An act to abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office," Approved October 27th, 1932.

Delivered to the Governor May 21, 1943, at 10:50 a. m.

Also:

S. 21. To amend Sections 362, 364, 365, 366, 367, 368, 369, and 372, of Title 52 of the Code of Alabama of 1940.

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 56. To appropriate \$75,000.00 annually for use by the Alabama Extension Service of the Alabama Polytechnic Institute,

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 84. To appropriate \$97,000.00 annually for use by the Alabama Agricultural Experiment Station System of the Alabama Polytechnic Institute.

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 183. To Amend the caption and section three (3) of an act entitled "An Act to abolish the office of county treasurer of Dallas County and to require the tax collector and other officers of Dallas County to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues," approved Feb. 8th, 1877, so as to make it read as follows:

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 184. To authorize The Court of County Revenues of Dallas County, Alabama to pass upon, allow and pay the claim of H. Bennett Pickering for medical services, nurses, drugs, and hospitalization rendered to him on account of injuries received by him while performing the duties of deputy sheriff.

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 195. To amend Section Two of an Act approved March 15, 1939, entitled "An Act to allow the Sheriff of Cullman County, Alabama, an additional deputy; to provide for his appointment, qualification by giving bond; to hold office at the pleasure of said Sheriff; to fix his compensation; and to provide for payment thereof out of the general fund of the County; and to provide for the appointment of his successor where such Deputy is removed, dies or resigns."

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 196. To prescribe the salary and the manner of payment of the same, of the Chief Deputy Sheriff for Cullman County, Alabama.

Delivered to the Governor May 26, 1943, at 12:20 p. m.

Also:

S. 35. To create and establish a four year medical school in the State of Alabama to be known as "The Medical College of

Alabama," a school of medicine of the University of Alabama: to provide for its location, building, equipment, organization, operation, maintenance, ownership, management and control; and to make appropriations therefor from the General Fund or from any surplus fund created from the General Fund by the Legislature by whatever name called.

Delivered to the Governor June 1, 1943, at 10:25 a. m.

Also:

S. 232. To amend Section 15 of an Act entitled an Act "To establish in Precinct One in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and Notaries Public with the powers of a Justice of the Peace in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof." Approved April 4, 1911, as amended by an Act of the Legislature approved March 2, 1931, and as further amended by an Act of the Legislature approved January 8, 1937.

Delivered to the Governor June 1, 1943, at 12:15 p. m.

Also:

S. 239. To authorize the Court of County Commissioners of Hale County, Alabama, to make appropriations, from time to time, from the General Fund of the county to the Hale County War Savings Staff, during the present war, to help pay the expenses and promote the work of said Hale County War Savings Staff.

Delivered to the Governor June 2, 1943, at 11:58 a. m.

Also:

S. 18. To provide for a public corporation for the purposes of constructing or causing to be constructed public roads and bridges in this State and related purposes; to describe its powers and duties, and to provide for the raising of necessary funds for such purposes, and to provide for the payment of the cost of construction of such roads and bridges, and to authorize such corporation to borrow money and match Federal funds for public roads, bridges and highways constructed and to issue bonds, warrants, assignments, transfers, or securities, and to aid in the several counties of the State in negotiating or otherwise financing interest bearing warrants of such counties, secured by pledge of the proceeds of gasoline tax appropriations to the counties by the State, and to contract with counties, the State Highway Department of Alabama, or other agencies performing any of the functions thereof by whatever name it may be known, the Federal Emergency Administration of Public Works, and any other branch or agency of the Federal Government or other authorities, and persons, firms

or corporations; and to repeal Article 3, Chapter 2, Title 23 of the Code of Alabama 1940, Section 112 to 124, inclusive.

Delivered to the Governor June 3, 1943, at 10:20 a. m.

Also:

S. 163. To fix the term of office of Tax Assessors and to provide for their election.

Delivered to the Governor June 3, 1943, at 10:20 a. m.

Also:

S. 164. To fix the term of office of Tax Collectors, and to provide for their election.

Delivered to the Governor June 3, 1943, at 10:20 a. m.

Also:

S. 29. To ratify appropriations heretofore made by the several counties of the State of Alabama for the purpose of defraying expenses of Civilian Defense.

Delivered to the Governor June 4, 1943, at 10:50 a. m.

Also:

S. 30. To authorize the State of Alabama and any department or agency thereof and any county, municipality, town or other political subdivision of this State, in order to facilitate co-operation with the United States of America in carrying on war and defense activities, to accept from the United States of America, or any department, agency or independent establishment thereof, grants of funds and grants and loans of equipment, supplies, material and other property; to hold, use, expend, deal with, employ, distribute and dispose of such funds, equipment, supplies, material and other property; and to engage in such activities, to enter into such contracts, and to do such other acts and things as may be necessary or convenient to carry out the powers granted by this Act.

Delivered to the Governor June 4, 1943, at 10:50 a. m.

Also:

S. J. R. 19. Relative to: Providing for a Declaration of the Federation of the World.

Delivered to the Governor June 4, 1943, at 10:50 a. m.

Also:

S. 137. To authorize and create an additional judge of the Fourth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said judge.

Delivered to the Governor June 4, 1943, at 11:40 a.m.

Also:

S. 113. To amend Section 187 of Title 5 of the 1940 Code of Alabama.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 116. To amend Section 115 of Title 41 of the 1940 Code.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 158. To regulate notice of adverse claim to a bank deposit and to prescribe requirements, including indemnity bond, and the procedure necessary to make such claim effective or cause recognition of adverse claim; and exempting from application of Act deposits standing in name of person who is a fiduciary for adverse claimant, if that fact and reasonable cause to believe fiduciary is about to misappropriate deposit are made to appear by affidavit of such claimant.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 159. To amend Title 5, Section 82, of the Code of Alabama of 1940, so as to include as exempt from its provisions loans or obligations secured or covered by guaranties, commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States, or any Department, Board, Bureau, Commission or agency thereof, or corporation wholly owned directly or indirectly by the United States.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 173. To protect persons acting in good faith under or in reliance upon written power of attorney executed and acknowledged by person in the Armed Forces or Military Service of the United States; or by person who departs from the United States by permission or direction of any Department or Official of the United States in connection with work relating to the prosecution of the War.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 175. To regulate bank deposits made by any person in trust for another, and to permit payment thereof to person for whom de-



posit was made, whether adult or minor, upon death of trustee, when no other or further notice of existence and terms of legal and valid trust shall have been given in writing to and received by bank.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 176. Concerning statements of account between bank or trust company and depositor, and fixing a limit of time for questioning the correctness thereof.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 177. To regulate and authorize time and method for presentment, acceptance, dishonor, notice of dishonor and protest of negotiable instruments and checks; and to permit banks in possession or custody of such instruments or checks to handle according to current bank custom; and to permit banks at or by which they are payable to retain same until close of business day next following receipt without constituting acceptance; and to prescribe a method of dishonor of such instruments and checks; and to permit dishonor, protest and return of such instruments and checks on business day next after their receipt.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 203. To amend Section 68 of Title 35 of the Code of Alabama of 1940.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 263. To allow the Sheriff of Madison County, Alabama, two additional deputy sheriffs to those now provided by law; to fix the maximum salaries of such deputies and to make the same payable out of the General Fund of Madison County, Alabama, in monthly installments; to fix their tenure of office and provide for their duties; and to provide that the Sheriff of Madison County, Alabama, shall perform the duties required of him by Section 186, of Title 13 and by Section 9 of Title 54 Code of Alabama 1940 without fees, charges or expense to the County.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 278. To fix the salary of the Judge of Probate of Montgomery County, Alabama, and to regulate the payment of same, and to provide for the selection of clerical help and other assistance to said Judge of Probate, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judge of Probate, and to provide for an ex-officio clerk of the Board of Registrars, and to require said Judge of Probate to pay into the County Treasury of said County, all costs and charges of courts, fees and commissions authorized by law to be collected by said Judge of Probate as other moneys belonging to said County are paid.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 279. To fix the compensation or salary to be paid the tax collector of Montgomery County, Alabama, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officer and the manner of fixing his compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officer; and to require such officer to pay into the county treasury of said county all costs, charges of courts, fees and commissions authorized by law to be collected by said officer as other monies belonging to said county are paid, except any salary, fees or commissions paid said officer for collecting taxes for any municipality.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. 171. To regulate bank deposits in two names, and to permit payment thereof, and any interest and dividends thereon, to either party whether the other be living or dead; and to define right of survivor therein.

Delivered to the Governor June 7, 1943, at 4 p. m.

Also:

S. J. R. 4. RELATIVE TO: The establishment of a Jewish homeland in Palestine.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 5. Relative to: The Legislature of Alabama calling upon our Senators and Representatives in the National Congress from Alabama to seriously consider the advisability of having Con-

gress submit to the several states of this Union a constitutional amendment embodying the provision that Congress shall have the right to ratify any peace treaty submitted to it by a simple majority vote of the members rather than by a two-thirds majority as now required by law.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 12. Be it resolved that House Bill No. 21 be designated as the Coburn-Bradford Bill.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 13. Relative to: The designating of Senate Bill #51 as the Bradford-Cole Bill.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 17. Relative to: That Senate Bill 26 be designated as the Pinson-Gullatt Bill.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 26. Relative to: House Bill No. 85 be designated as the "Sullivan-Taylor Bill"

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 30. Relative to: Naming House Bill 45 the Hodo-Madison Bill.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 36. Relative to: Senate Bill No. 21 be known as the Madison-Norman Bill.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 37. Relative to: Inviting Honorable Homer Challioux, Chairman of the Committee on Americanism of the American Legion and the entire membership of Boys' State to assemble with the Senate and House of Representatives of Alabama, Thursday June 10, 1943 and to request Honorable Homer Challioux to deliver an address at that time.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 40. Relative to: Inviting the Honorable Henry B. Stegall to address the Legislature of Alabama in a joint session.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. J. R. 42. RELATIVE TO: The abolishment of Poll Tax by the Federal Government.

Delivered to the Governor June 8, 1943, at 12:30 p. m.

Also:

S. 208. To create the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers and duties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. 210. To fix the salary of the Judge of Probate of Cherokee County, Alabama, The Tax Collector of Cherokee County, the Tax Assessor of Cherokee County, the Clerk of the Court of Cherokee County, the Register in Chancery of Cherokee County, the Deputy Solicitor of Cherokee County, the Sheriff of Cherokee County; to provide for his deputies and to provide for clerical assistance and other expenses of said offices of Probate Judge and Sheriff; to require each of said officers to collect all the fees, compensation and allowances heretofore collected by said officers and which may hereafter be collected by said officers and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary of clerical assistance and other office expense by the Treasury of the County.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. 217. To establish a Law and Equity Court for Cherokee County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensations, to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court; to provide a fine and forfeiture fund for said court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court and the Juvenile Court of Cherokee County, Alabama, to the Cherokee Law and Equity Court; and to abolish the County Court of Cherokee County, Alabama; and to give the said court Juvenile Jurisdiction.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. J. R. 5. RELATIVE TO: Calling upon the Senators of Alabama in the National Congress from Alabama to seriously consider the advisability of having Congress submit to the several states of this Union a constitutional amendment embodying the provision that the Senate shall have the right to ratify any peace treaty submitted to it by a simple majority vote of the members rather than a two-thirds majority as now required by law.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. J. R. 45. Relative to: Senate Joint Resolution No. 19, be designated as the Madison-Sullivan Resolution.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. 213. To empower the governing body of every State department, of every county, municipality, board, commission or subdivision of the State of Alabama to contribute to the premiums on group life insurance policies and group hospitalization insurance on the lives of such of its officers or employees who desire to take out such insurance, and to provide for a method of collection of premiums by deductions from the salaries of officers and employees of the various political subdivisions who consent and subscribe to a plan of group life insurance and group hospitalization insurance, or either, and to limit the monthly amount per employee which may be so expended and to permit the governing bodies of such State departments and of any county, municipality or subdivision of the State to appropriate funds for this purpose.

Delivered to the Governor June 11, 1943, at 11:25 a. m.

Also:

S. 185. To fix, regulate and alter the employment allowances, and compensation of employees in the offices of Probate Judge, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County as provided in Article XLVI of the Constitution of Alabama.

Delivered to the Governor June 16, 1943, at 10:07 a. m.

Also:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$12,000.00 per annum for purposes not otherwise provided for by law.

Delivered to the Governor June 16, 1943, at 10:07 a. m.

Also:

S. 240. To Provide Armory Drill Pay for Members of the Temporary Military Force of the State of Alabama; to Prescribe the Condition under and the Manner in which it shall be paid.

Delivered to the Governor June 16, 1943, at 10:07 a. m.

Also:

S. 105. To Amend Section 89, Article 2, Title 36 of the 1940 Code of Alabama.

Delivered to the Governor June 16, 1943, at 10:07 a. m.

Also:

S. 14. To exempt the gross proceeds of the sale of agricultural publications printed and published in Alabama from computation of the amount of the sales tax levied, assessed, or payable under the laws of Alabama.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 24. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 88. To amend Section 613 of Title 51 of the 1940 Code of Alabama.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 321. To provide for the closing of the Court House Offices of Judge of Probate, Tax Assessor, Clerk of Circuit Court, Sheriff, Tax Collector, Register of Circuit Court, and Board of Revenue, or other like governing body of Cullman County, Ala."

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 313. To allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of Jackson County in Monthly installments.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 319. To designate the time in each year when the Board of Registrars shall sit for the purpose of registering voters in all

counties having a population of not less than 100,000 nor more than 140,000 population according to the last or any succeeding Federal census; to provide that said sessions shall be in lieu of all other sessions now authorized by law and to repeal all laws or parts of laws in conflict herewith.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 331. To amend Section 15 of an Act entitled "An Act to create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the Court hereby created; and to provide for registering, and in lieu of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery." Ap. Mch. 15, 1939.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 332. To fix the salary of the Clerk of the Court of Common Pleas of Montgomery.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 333. To authorize the City Board of Education of Athens, Alabama, to construct and repair school buildings and purchase equipment and supplies for school buildings under the administrative control and jurisdiction of the City Board of Education of Athens, Alabama, with the funds arising from the sale of the real estate located near the City of Athens, Alabama, known as the State Secondary Agricultural School Demonstration Farm and the personal property located thereon and connected therewith, which said sale was authorized by and made under an Act of the Legislature of Alabama approved Sept. 21, 1939.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 334. To amend Section 3, as amended March 6, 1939, of House Bill 190 of the Acts of the Legislature of Alabama of Extra Session of 1936, approved March 31, 1936, entitled "An Act to fix the compensation or salary to be paid the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to regulate the payment of

the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Tuscaloosa County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the county treasury of Tuscaloosa County, provided, however, that all witness fees, judgements and amounts collected by him, in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Tuscaloosa County, and the Clerks, Deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such clerk of the Circuit Court of Tuscaloosa County, and to prescribe when this Act shall go into effect."

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 336. To amend Section 3, as amended August 11, 1939, of House Bill No. 526, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants, and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this Act shall go into effect."

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 337. To amend Section three (3) as amended March 31, 1936, and March 6, 1939, of House Bill No. 525, of the Acts of the Legislature of Alabama, approved June 12, 1935, entitled "An Act



to fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said Judge of Probate to collect all the fees, compensation and allowances heretofore or hereafter collected by said Judge of Probate and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, and to prescribe when this Act shall go into effect."

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 338. To amend Section 17, as amended August 2, 1927, of House Bill No. 1683, of the Acts of the Legislature of Alabama approved September 25, 1915, entitled "An Act to establish a Board of Revenue for Tuscaloosa County, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members and fix their terms of office, to provide for a clerk and engineer, and to abolish the Court of County Commissioners, the Board of Public Works and the Jury Commission of said County."

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 340. For the relief of Mrs. Avery Johnson, as compensation for the death of her husband, Avery Johnson, deceased, of Perry County, Alabama, while he was in the line of and performing his duty as a road employee for the County of Perry, State of Alabama:

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 348. To create a Purchasing Agency for Cherokee County, Alabama, to be composed of the President of the Board of Revenue of said county whose duties shall be to purchase all books, stationery, blanks, office equipment and office supplies for the several county offices, the jail, court house, and Alms house, hospitals and sanitariums, also the material and machinery of all and every kind for the building and maintaining of the roads, bridges ferries and buildings of said county and to define the powers and duties and term of office of said Purchasing Agency. To employ clerical

assistance necessary to keep records of said Purchasing Agency and Board of Revenue.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 350. To amend an Act entitle an Act "To create and establish a Board of Revenue in and for Cherokee County, Alabama, to be composed of four members; to provide and designate a Chairman of such Board, to fix the qualifications of the members of said Board, to provide where the members of said Board shall reside during their term of office: to divide said county into four districts and define the boundaries of said Districts, to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the Chairman of said Board and to fix the term of his office under said appointment; provide for the filling of vacancies in said Board, to provide for the designation of the Chairman of said Board, designated, declared and appointed by this Act, at the expiration of their respective terms of office, to define the duties, powers and authority of the Chairman and members of said Board, to fix the place and time of their meeting and to provide for the compensation of the members thereof. To provide for their official bonds, and for the payment by the County of the premium thereon. To provide when this Act shall take effect: to provide that any section or provisions of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this Act. in so far as they apply to Cherokee County, Alabama. This Act becomes a law under Section 125 of the Constitution on August 22, 1939. By amending Sections 8, 11, and 12 of said Act.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 351. To amend an Act to be entitled an Act "To further provide for the control, making, maintenance, building and im-

provement of the public roads and bridges of Cherokee County, Alabama, to create the office of Road Supervisor for said county, to provide for his election or appointment, discharge and removal; to fix his qualifications and prescribe his duties, powers and authority. To provide for a Purchasing Agent for purchasing material, equipment and supplies for the public roads and bridges in Cherokee County, Alabama. To prescribe the methods for making such purchases, the manner of allowance and payment of claims against the county, approved by such purchasing agent; to fix his compensation and manner of payment to make appropriations or allowances for his expenses and manner of payment, to fix his Bond and to provide for the approval of same and for the payment of the premium thereon by the county. To provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not effect the validity of any other section or provision; and the repeal of all laws or parts of laws in conflict with the provisions of this, insofar as they apply to Cherokee County, Alabama, Approved August 24, 1939", by amending sections "3" "6" 7 and 10' of said Act and by repealing section 11 of said Act.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 182. To authorize and empower The Court of County Revenues of Dallas County, Alabama, to expend County Funds not exceeding \$6,000.00 per annum for purposes not otherwise provided for by law.

Delivered to the Governor June 18, 1943, at 11:45 a. m.

Also:

S. 208. To reate the office of County Solicitor of Cherokee County; to provide for his election, and the method of appointment in the event of a vacancy; to fix his salary and define his powers an dduties; and to repeal all general and local laws in conflict herewith so far as they relate to Cherokee County.

Delivered to the Governor June 21, 1943, at 11:55 a. m.

Also:

S. 207. To authorize, require, and provide for the payment of the sum of \$290.28 by the State Comptroller of the State of Alabama, for the relief of Robert F. Henry, Montgomery, Alabama, said sum being an amount paid by him to the Treasurer, the Department of Revenue, and the State Tax Commission of the State of Alabama, for sales taxes paid through error, from March 1, 1937, through April 20, 1943, both inclusive.

Delivered to the Governor June 21, 1943, at 4:25 p. m.

Also:

S. 316. To amend Section 6 of Title 27, of the Code of Alabama 1940.

Delivered to the Governor June 21, 1943, at 4:25 p. m.

Also:

S. 335. To amend Section 3, as amended August 11, 1939, of House Bill No. 524, of the Acts of the Legislature of Alabama of 1935, approved June 12, 1935, entitled "An Act to fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, and to prescribe when this Act shall go into effect."

Delivered to the Governor June 21, 1943, at 4:25 p. m.

Also:

S. 98. To amend Section 27 of Title 47 of the Code of Alabama of 1940:

Delivered to the Governor June 21, 1943, at 4:25 p. m.

J. E. Speight,  
Secretary.

#### SECRETARY' SREPORT

The foregoing Report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the forty-ninth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the forty-ninth day approved by the Senate.

## ADJOURNMENT

At 9:40 P. M., on motion of Mr. Newton, the Senate adjourned until tomorrow, Tuesday, June 22, 1943, at ten A. M.

## FIFTIETH DAY

Tuesday, June 22, 1943

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Dr. D. P. Slaughter, Methodist District Superintendent, Montgomery.

## ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

—32

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled

bill and with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 136. To amend Section 3 of Title 30 of Code of 1940.

Sam High,  
Chairman.

#### SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate, present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the following engrossed bills with the original bills and finds same correctly engrossed, to-wit:

S. 360. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Also:

S. 394. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,979 inhabitants and not more than 21,910 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Orlan B. Hill,  
Chairman.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hornsby:

S. 416. To Prescribe The Qualifications, Duties, And To Impose Additional Duties, And Fix The Compensation And Allowance of Coroners In All Counties Of This State Which Now Have or May Hereafter Have A Population Of More Than Thirty Thousand People And Less Than Forty Thousand People, According To The Last United States Census, Or Any Such Census Which May Hereafter Be Taken.

Committee on Judiciary.

By Mr. Sherrer:

S. 417. To provide an appropriation for the erection, construction and equipping of a school building at Casey in Dallas County, Alabama, to replace school building lost by fire.

Committee on Finance and Taxation.

By Mr. Sherrer:

S. 418. To authorize and empower Courts of County Commissioners, Boards of Revenue, or courts of like jurisdiction in all counties of the State to expend county funds not exceeding \$8,000.00 per annum for purposes not otherwise provided for by law.

Committee on County and County Boundaries.

By Mr. Hornsby:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.

Committee on Finance and Taxation.

By Mr. Kilborn:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000, to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Committee on Local Legislation.

#### REPORTS OF COMMITTEES

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (without recommendation):

S. 355. Prohibiting prostitution, lewdness and assignation; to prohibit the keeping, setting up or operating or the receiving of any

person into any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation, the directing, taking or transporting any person for the purpose of prostitution, lewdness or assignation, the occupying, residing in, frequenting, entering or remaining in any house, place premise or conveyance for the purpose of prostitution, lewdness or assignation, the receiving or using any person for, the soliciting for or engaging in prostitution, lewdness or assignation; to prohibit the knowingly owning of or letting of any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation and the aiding, abetting or participating in any of the acts herein prohibited; to provide penalties for violation hereof; to define the terms "prostitution", "lewdness" and "assignation"; and to admit in evidence in support of a charge of violation of this ACT testimony concerning the reputation or character of any house, place, building or other structure and of the person who resides in or frequents same and of the defendant.

Mr. Jones, Chairman of the Standing Committee on Public Health, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Simpson:

S. 328. To amend Section 151, 152, 158, 159, 160, 164 and 166 of Title 46 of the 1940 Code of Alabama relating to Medical Technicians.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

H. 538. To amend Section 69 of Title 36 of the 1940 Code of Alabama.

Mr. Pinson, Chairman of the Standing Committee on Forestry and Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Eddins:

H. 222. To amend Section 204 of Title 8 of the Code of Alabama of 1940

By Mr. Eddins:

H. 179. To amend Section 98 of Title 8 of the Code of Alabama of 1940.



By Mr. Eddins:

H. 182 To amend Section 102 of Title 8 of the Code of Alabama of 1940

By Mr. Eddins:

H. 180 To amend Section 99 of Title 8 of the Code of Alabama of 1940

By Mr. Eddins:

H. 181 To amend Section 101 of Title 8 of the Code of Alabama of 1940.

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr Henderson:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Green (with notice and proof):

H. 777. To amend an Act, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners," approved October 19th, 1932.

By Mr. Bennett (of Calhoun) (with notice and proof):

H. 213. To amend Section 1 of "An Act to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama, or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated", approved September 11, 1939.

By Messrs. Black and Deason (with notice and proof):

H. 778. To authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies and to provide for their compensation.

By Mr. Bennett (of Barbour) (with notice and proof) (by request):

H. 781. To regulate the Fine and Forfeiture Fund of Barbour County, Alabama; to require the register of claims against said fund, the same to be presented to the Clerk of the Board of Revenue for approval against said fund and to regulate registration of such claims and to transfer any surplus to the credit of the said fund to the general fund of said county as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue a statement of all monies collected which belong to the Fine and Forfeiture Fund and to state from what source the same was collected; to give the fees and commissions of officers performing services in criminal cases priority over other claims and to provide for the payment of witness claims in criminal cases.

By Messrs. Harris and Stewart (with notice and proof):

H. 753. To authorize the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs and jailers, and to fix their compensation and to repeal all Acts in conflict herewith.

By Mr. Snyder:

H. 732. To reenact Act. No. 573 of the regular session of the Legislature of Alabama of 1939, approved September 19, 1939 (General Acts of Alabama of 1939, page 910); to provide that such reenacted act shall be effective and operative from the beginning of May 31, 1941 (the effective date of the Code of Alabama of 1940) to the time of passage of this reenacting and amending act; to amend such reenacted Act No. 573 so that such reenacted act, as amended, shall be effective at and after passage of this reenacting and amending act; and to repeal all laws, general or local, in conflict herewith.

By Messrs. Smyer and Head (with notice and proof):

H. 773. To change, fix, define and establish the boundary line between Jefferson County and Shelby County.

By Mr. Barrett (with notice and proof):

H. 775. For the relief of Mrs. Jewel Hall, widow, and James Clifton Hall and W. C. Hall, minor sons of Woodrow Comer Hall, deceased, and to authorize the Court of County Commissioners of Pickens County, Alabama to pay to said Jewel Hall, widow, the

sum of Five Hundred Dollars and to each of said minor sons the sum of Five Hundred Dollars as compensation for the death of said Woodrow Comer Hall growing out of an accident while in the service of said County as an employee thereof.

By Messrs. Harris and Stewart (with notice and proof):

H. 752. To provide for a trial tax in cases in the Morgan County Court of Morgan County, Alabama.

By Mr. Nettles (with notice and proof):

H. 766. To provide that the County Board of Education of Conecuh County, Alabama, be authorized to construct, erect, maintain and repair a building in said County to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel, for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a County school library and for other school purposes and to pay for the construction, erection, maintenance and repair of said building out of the school funds of Conecuh County, Alabama.

By Messrs. Harris and Stewart (with notice and proof):

H. 754. To amend Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

By Messrs. Deason and Black (with substitute):

H. 783. To abolish hospital boards in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, and to provide that the duties heretofore performed by such hospital boards shall be performed by the county boards of revenue or other governing bodies of such counties, and to provide additional salary for the members of the boards of revenue or other like governing bodies for the additional duties hereby imposed upon them.

By Messrs. Smyer, Sessions, Chichester and Gwin:

H. 747. To authorize the sheriff and his deputies in all counties having a population of 400,000 or more according to the last or any subsequent Federal census to inspect all public school buildings for fire protection and to require that all fire hazards in or about such buildings in such counties be removed or abated; and to provide the effective date of this act.

By Mr. Simpson (with notice and proof):

S. 407. To alter and extend the boundaries of the City of Birmingham: to provide for an election to submit to the qualified vot-

ers of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

By Mr. Smyer:

H. 730. To confer power of condemnation upon cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

By Mr. Smyer:

H. 729. Relating to redemption price of property acquired by cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding Federal Census through foreclosure of public improvement assessment liens.

By Messrs. Snyder, Hodo, Gwin, Edwards, Chichester, Smyer and Sessions:

H. 721. To Amend and Re-enact General Act No. 502 of the Session of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, Page 663), approved September 29, 1923, as heretofore amended by General Act No. 574 of the Regular Session of the Legislature of Alabama of 1939 (General Acts of Alabama of 1939, Regular Session, Page 926), approved September 19, 1939; To provide, that all books, files, papers, and records of every kind and description and all funds, assets and property of every description now held, owned, controlled or possessed by such city for the benefit of its said policemen's pension and relief fund, or now credited to such fund, under any law, local or general, which is repealed by this act, be transferred to the policemen's pension and relief fund (of such city) as herein authorized, subject to the rights and remedies which members and beneficiaries had under such pension law repealed by the provisions of this act, and that all of said rights and remedies shall apply to the policemen's pension and relief fund, provided for such city under the terms of this act; To provide that all laws and parts of laws, both general and local, in conflict with the provisions of this act be and the same are hereby repealed; To provide that this act, upon its approval by the Governor, shall be operative and effective from and after the beginning of the 31st day of May, 1941; and to provide that if any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

By Mr. Snyder:

H. 716. To further regulate the method of summoning jurors in all counties in the State of Alabama now having a population

of 300,000 or more, according to the last or any subsequent Federal census, to provide for either summoning jurors by registered mail or personal service by the sheriff of such counties.

By Mr. Smyer :

H. 731. To delegate to cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census unlimited police power for exercise through the adoption of ordinances having application within the corporate limits and police jurisdiction thereof.

By Mr. Newton :

S. 413. To make it the duty of the Chairman of any hospital board, the duties of which are administrative, in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, to make a monthly report to the board of revenue or other like governing body of the county, of all accounts due said hospital as of the last day of the preceding month; to provide a penalty for his failure to make such report; to make it the duty of said boards of revenue or other like governing body to make a diligent effort to collect said accounts and to authorize said county governing body to employ and pay legal counsel to collect said accounts and to prescribe a penalty for said boards or other like governing bodies' failure to perform said duty and to provide additional salary for members of the boards of revenue or other like governing bodies for the additional duties imposed upon them by this act, and to repeal all laws, general and local, in conflict with the provisions of this act.

By Messrs. Deason and Black (with notice and proof) :

H. 648. To establish a Tubercular Sanatorium in Walker County, Alabama, and to authorize the Board of Revenue or any other like governing body of Walker County, to build, equip and maintain said sanatorium and to establish a Board of Control to operate same, with full power and authority to make rules and regulations governing the operations, governing the employees, governing the selection of the employees.

By Mr. Chichester (with notice and proof) :

H. 548. To amend Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other

officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932.

By Messrs. Stewart and Harris (with notice and proof):

H. 581. For the relief of the persons hereinafter named, and to require the Morgan County Board of Education to pay certain amounts to G. W. McCutcheon, F. O. Helms, Tennis Russell, Sam Osborn, Dallis Baker, Jerome Russell, Austin Jennings, Doss Knighten, James Brooks, Gip Yancey, Gilbert Prince, Gilbert Haynes, J. F. Turney, and Will Fielder on account of certain work done by them at the request and for the benefit of said Morgan County Board of Education and to provide the fund out of which the same shall be payable and the time within which said amount shall be paid.

By Mr. Simpson:

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and systems for the benefit of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

#### MOTION TO RECONSIDER VOTE

On motion of Mr. Kilborn, the Senate reconsidered the vote by which further consideration of the bill:

H. 313. To provide for the disposition and use of the profits, including all tax levied upon the selling price of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama Liquor Stores operated under the Alcoholic Beverage Control Board of Alabama.

On yesterday, was postponed until the Fifty-third Day.

Unanimous consent was granted Mr. Kilborn to proceed with consideration of the bill, H. 313:

Mr. Bradford offered the following amendment to the bill, to-wit:

Amend House Bill 313 by striking therefrom the first sentence in paragraph 2 of Section 2 as same now appears in said Bill, and substitute in lieu thereof as the first sentence of the Second paragraph of said Section 2 the following:

Five percentum of such remainder for the calendar year 1943 and ten percentum of such remainder for each calendar year thereafter shall be apportioned among and paid to the several counties

in the State for general purposes as follows: Fifty percent of said amount to be equally distributed among the several counties of the State of Alabama and fifty percent of said amount to be distributed on the basis of the ratio of the population of each such county to the total population of all such counties.

And on motion of Mr. Shaver, said amendment was laid on the table.

Mr. St. John (Lawrence) moved that further consideration of the bill be postponed until the next day, which motion was laid on the table on Motion of Mr. Shaver.

Yeas, 22; Nays, 8.

*Yeas:*

Messrs.:	Espy	Jones	Shaver	
Benson	Garrett	Kelly	Sherrer	
Black	Goodwin	Kilborn	Simpson	
Carlton	High	Madison	Smith	
Cater	Hill	McCary	Toomer	
Dodson	Hornsby	Pinson		—22

*Nays:*

Messrs.:	Cobb	Lawson	St. John (Lawrence)	
Bentley	Henderson	Newton	Walton	
Bradford				—8

And said bill was read a third time at length and passed.

Yeas, 26; Nays, 5.

*Yeas:*

Messrs.:	Dodson	Jones	Shaver	
Benson	Espy	Kelly	Sherrer	
Black	Garrett	Kilborn	Simpson	
Bradford	Goodwin	Madison	Smith	
Carlton	High	McCary	Toomer	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby	St. John (Cullman)		—26

*Nays:*

Messrs.:	Henderson	Newton	St. John (Lawrence)	
Bentley	Lawson			—5

Mr. Shaver moved that the Senate reconsider the vote by which the bill, H. 313, just passed, and then moved to lay that motion on the table. The motion to table prevailed.

#### BILL REPORTED FAVORABLY AND RE-REFERRED

Mr. Cobb, Chairman of the Standing Committee on Local Legislation reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and the bill:

H. 576. For the relief of the Western Railway of Alabama through the refund to it by the State of Alabama of certain sums paid by it by mistake of fact or law or erroneously to the State of Alabama as gross receipts taxes for the years 1932, 1933, 1934, 1935, 1937, and 1938, and to appropriate for this purpose the sum of \$37,113.96 out of any monies in the State Treasury not otherwise appropriated.

Was read a second time and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Beebe:

H. 270. In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children; by providing for preliminary and final inspection of school buildings by the state superintendent of education or his agent for the purpose of seeing that such buildings are constructed in accordance with the plans and specifications under which the contract was let; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; and by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Edwards:

H. 220. To amend Title 13 Section 199 of the Code of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.



NOMINATION OF ELECTION OF MEMBERS OF WAR  
EMERGENCY COUNCIL BY THE SENATE  
OF ALABAMA

Under the provisions of S. R. 59, adopted by the Senate on yesterday, the hour of twelve o'clock having arrived, the Senate proceeded to the election of members of the War Emergency Council, which Council was created under House bill 87.

NOMINATIONS

Mr. Shaver placed in nomination Mr. Hill, Mr. Simpson, Mr. Carlton, Mr. Espy.

Mr. St. John (Lawrence) placed in nomination Mr. Walton.

Mr. Kilborn placed in nomination Mr. Madison.

Nominations having been concluded, each Senator present voted in accordance with the provisions of S. R. 59.

TABULATION OF VOTES

Upon a tabulation of the votes, as follows:

Mr. Hill	29
Mr. Simpson	26
Mr. Carlton	25
Mr. Espy	22
Mr. Walton	9
Mr. Madison	14

the Lieutenant-Governor and President of the Senate declared the four receiving the highest number of votes were duly and constitutionally elected as members of the War Emergency Council on the part of the Senate namely; Messrs. Hill, Simpson, Carlton and Espy.

Mr. Shaver then moved that the four Senators, namely Senators Carlton, Espy, Hill and Simpson, who have been selected as members of the War Emergency Council on the part of the Senate in accordance with Senate resolution No. 59, be now elected by a viva voce vote of the Senate in compliance with Section 179 of the Constitution of Alabama of 1901.

And the Senate did elect said members by a viva voce vote.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Messrs. Deason and Black:

H. 757. A bill to be entitled An Act to submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the First Monday in November, 1944, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate, and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff and Register of the Circuit Court, and provide the method and basis of their compensation in Walker County, Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz; The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of the Circuit Court, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide for the method and basis of their compensation in Walker County, Alabama. No salary fixed under this amendment shall affect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register shall be fixed at not less than three hundred and not more than five hundred dollars per month. The balance of said fund or savings shall be used for old age pensions in said County.

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the First Tuesday after the First Monday in November, 1944, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at

such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of the Circuit Court, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the methods and basis of their compensation in Walker County, Alabama. No salary fixed under this amendment shall effect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register shall be fixed at not less than three hundred and not more than five hundred dollars per month. Yes..... No.....\* The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

By Mr. Robertson of Cullman:

H. 646. A bill to be entitled An Act to submit to the qualified electors of Alabama an amendment to the constitution of Alabama providing that at any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.

Be It Enacted By The Legislature Of Alabama:

Section 1. That an amendment to the constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, which said amendment so proposed is as follows:

At any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.

Section 2. It is ordered by the Legislature that an election by the qualified electors of the State of Alabama upon the aforesaid proposed amendment be held at the next general election succeeding the present session of the legislature. On the official ballot provided for such election there shall be printed the following: "Should the following be adopted as an amendment to the Constitution of Alabama?" "At any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes." "Yes..... No....." The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 3. Notice of the election upon this proposed amendment shall be given, said election held and the result thereof ascertained and proclaimed in the manner and in accordance with the constitution and laws relating to elections on constitutional amendments.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time at length

as required by the Constitution, and referred to appropriate standing committee as follows:

H. 757 and H. 646, to the Committee on Constitution and Constitutional Revision and Amendments.

#### BILLS ON THIRD READING

The bill:

H. 1. To propose to amend section 194½ of the Constitution of Alabama so that as amended said section shall read as follows: "Section 194½. No person who honorably served in the military service of the United States between January 1, 1917 and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time, past or present or future, when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the poll tax specified in the constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from said service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the poll tax specified in the constitution of Alabama as if such person had never been in such service. The term "military service" as used in this section includes service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, the Women's Appointed Volunteer Emergency Service, and the Women's Reserve of the United States Navy. The United States shall not be deemed at war with a foreign state within the meaning of this section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this section under such rules and regulations as may be prescribed by the governor. This section shall be self-executing and retroactive but the Legislature is authorized to enact laws designed to carry out the purposes of this section"; and to order an election by the qualified electors of the state upon such proposed amendment to be held on the date of the general election to be held in November 1944.

Was read a third time at length as required by the Constitution and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Simpson
Carlton	Henderson	Madison	Smith
Cater	High	McCary	Toomer
Cobb	Hill	Pinson	Walton

—27

*Nays:*

—0

The bill:

H. 2. To amend Sections 6 and 7 of an Act entitled "An Act to amend an act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, Alabama", approved February 21, 1893.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	High	McCary	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson	Kelly		

—29

*Nays:*

—0

The bill:

H. 195. To amend Section 524, Title 52, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Black	High	Madison	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 720. To further regulate the fine and forfeiture fund of Marshall County, Alabama, the manner of payment of all fines and

forfeiture due said County: to require the reregistration and provide for the payment of all claims heretofore registered, and which could on the passage and approval of this bill be used in the payment of any fine or forfeiture due said County, in the same order of their present registration and to provide the time of their reregistration; to fix a time for and require the registration of all other claims; to provide that all claims not here after reregistered or registered as provided by this act are to be forever barred; to provide that any and all fines and forfeitures may be paid in such reregistered or registered claims or in money; to provide for a commission to be paid in money to the clerk of 5% of all such claims received by him in payment of any fine or forfeiture due the County of Marshall and for remitting the same, as if said fine or forfeiture had been paid in money; to provide that all fines and forfeitures shall be paid in money or in such reregistered claims, which could prior to the passage and approval of this bill be so used; to provide that any and all balances in cash in the fine and forfeiture fund of said County, after the payment of all such reregistered and all such registered claims shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear as witnesses before the Grand Jury or for the state in criminal cases in Circuit Court where there is no indictment returned and/or no conviction had in such criminal case, and to provide that after the payment of all reregistered and registered claims and of such mileage and per diem of such witnesses that all balances in the fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said county: to provide that only claims reregistered or registered prior to January 1, 1944 shall be accepted as payment for or on any fine or forfeiture due said county: to provide that this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935, (Local acts of Alabama 1935 page 212), and to provide that if any provision of this act is unconstitutional that such unconstitutionality shall not affect the remaining provisions of this act: and to provide that this act shall become effective upon its passage and approval.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Black	High	Madison	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 734. To create the Municipal Utilities Board of Albertville; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Albertville by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide for the investment of sinking funds for the retirement of bonds or other contingency funds coming into the hands of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions or replacements to the electric plant, where the amount to be expended is more than \$500.00 the expenditure must be approved by the City Council of the City of Albertville; to provide for an annual audit and semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas, or other utilities if same should in the future be acquired by the City of Albertville; to provide for the management and operation of such other utilities; and to provide for reports of the Board to the City Council.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	Kelly
Benson	Cobb	Hill	Kilborn
Black	Espy	Hornsby	Madison
Carlton	Goodwin	Jones	Newton



Pinson	St. John (Lawrence)	Simpson	Toomer
St. John (Cullman)	Shaver	Smith	Walton

—23

Nays:

—0

The bill:

S. 386. To provide for the employment of and to fix the salary of the probate clerks in those counties having two courthouses, in which the probate judge is required to maintain a branch office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Black	High	Madison	Simpson
Carlton	Hill	Newton	Smith
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—23 •

Nays:

—0

The bill:

H. 36. To amend Section 287 of Title 37 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	High	Madison	Simpson
Carlton	Hill	McCary	Taylor
Cater	Hornsby	St. John (Cullman)	Toomer
Cobb	Jones	St. John (Lawrence)	Walton

—23

Nays:

—0

## NOTICE TO REMOVE BILL FROM ADVERSE CALENDAR

Mr. Cobb gave the following notice:

"Notice having been given on the Forty Ninth Legislative day of intention to make motion to take from the adverse calender Senate Bill No. 378 and placed upon the regular calendar.

It is hereby moved that Senate Bill No. 378 be taken from the adverse calender and placed upon the regular calender for passage as provided under rule 48 of the Rules of the Senate of Alabama.

Lem J. Cobb,  
Senator 29th District."

And on motion of Mr. Cobb, unanimous consent was given to carry said notice over to the next day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 242. To create and establish a Division of Records and Reports in the Office of the Governor; to prescribe its functions, duties, and powers; to provide for annual reports by certain State agencies and for the manner of issuance and distribution thereof; and to make an appropriation for the maintenance and support of the Division of Records and Reports.

Also:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and air craft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to establish fees therefor, to operators, instructors, air craft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries; to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fiftieth day and finds same cor-

rect and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the fiftieth day approved by the Senate.

### ADJOURNMENT

At 12:50 P. M., on motion of Mr. Taylor, the Senate adjourned until tomorrow, June 23, 1943, at 9 o'clock A.M.

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### FIFTY-FIRST DAY

Wednesday, June 23, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

### PRAYER

The session was opened with Prayer by Rev. Ira Harris, of Westmont Baptist Church, Montgomery.

### ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

—32

### JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kilborn:

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given that a local bill for Mobile County will be introduced for passage at the present session of the Legislature of Alabama, which convened May 4, 1943, providing in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

BE IT ENACTED by the Legislature of Alabama:

Section 1. That an act of the Legislature of Alabama, approved on the 13th day of April, 1911, entitled an act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", be and the same is hereby repealed.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor. reg may 24-31 jun 7-14

Wm. M. Curran being sworn, says that he is Auditor of The Mobile Press and the Mobile Register daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice appeared in the issues of The Mobile Register, May 24-31 June 7-14th, 1943

W. M. CURRAN,

Sworn to and subscribed before me this 19 day of June 1943

GREY L. KENNY,  
Notary Public.

(Seal)

By Mr. Kilborn (by request):

S. 422. To authorize and empower the governing bodies, of counties which now have or or may hereafter have a population of more than 140,000 and less than 300,000 according to the last or any

subsequent Federal census, to pay moral obligations against the county incurred for a public purpose and which in equity and good conscience should be paid, but for the payment of which as a claim against the county no warrant of law otherwise exists; to place in the discretion of the governing body of the county the determination of whether or not the obligation be a moral one that should be paid in equity and good conscience, such discretion not to be subject to review, provided the obligation was incurred for a public purpose; to state illustratively, but not exclusively, what shall be deemed public purposes within the intendment of this Act; and to make applicable the power and authority, conferred by this Act, as well to obligations incurred before as after the passage of this Act.

Committee on Local Legislation.

#### REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cater:

S. 165. To amend Section 647, Title 51, of the Code of Alabama of 1940.

By Cater:

S. 344. To amend Section 53, Title 36, Code 1940.

By Mr. Hill:

S. 390. To amend Section 23 of Title 34 of the Code of Alabama of 1940.

By Mr. Kilborn:

S. 398. To fix the time of meeting of the Legislature of Alabama in the year 1945 and each fourth year thereafter.

By Mr. Madison:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

By Mr. Cater (with substitute):

S. 408. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used; to provide for the payment by the state to said Department of Archives and History of five per cent interest per annum on money deposited

with the state treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars to said department.

By Messrs. Johnston and Stone:

H. 93. To amend Section 254 of Title 13 of the Alabama Code of 1940.

By Mr. Gullatt (with amendment):

H. 482. To removed cloud upon title to real estate erroneously sold for taxes.

By Mr. Norman (of Bullock):

H. 723. To amend Section 308, Title 55, of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 724. To amend Section 301 of Title 55 of the Code of Alabama of 1940.

By Mr. Taylor (with substitute):

S. 289. To amend Section 46 of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of the State of Alabama, of wills previously admitted to probate and record in the courts of other states, territories, districts and countries subject to the jurisdiction of the United States of America, and of foreign countries not subject to the jurisdiction of the United States of America.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Kilborn:

S. 409. To amend Section 34 of Title 11 of the Code of Alabama of 1940.

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Deason, Black, Ard, Kirby and Hankins (with substitute):

H. 262. To propose an amendment to the Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

By Mr. Cobb:

S. 209. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution, prescribing the number of Senators in the State Senate, such amendment to be known as Article        of the Constitution of Alabama.

The above bill was read a second time at length as required by the Constitution.

By Mr. Robertson (Cullman):

H. 646. To submit to the qualified electors of Alabama an amendment to the constitution of Alabama providing that at any general election thereafter held for county officers all nominees for county offices of any political party which at the general election for county officers than next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.

The above bill was read a second time at length as required by the Constitution.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Newton:

S. 152. To amend Section 732, Title 51, Code 1940.

By Mr. Shaver (with amendment):

S. 379. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

By Mr. Madison:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

By Mr. Madison:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from

federal vocational funds; to validate payments heretofore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

By Mr. Carlton:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.

By Messrs. Sherrer and Simpson:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies boards, bureaus and commissions of the State to expend the necessary funds for carrying out the provisions of such contracts.

By Mr. Henderson (with amendment):

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940", approved May 13, 1943.

By Mr. Lawson:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to create a public board and to appropriate for their use seven thousand dollars, and the further sum of three thousand dollars annually for the purpose of maintaining said memorial.

By Mr. Simpson:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

By Mr. Hornsby:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.



By Mr. Ard (with amendment):

H. 28. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

By Mr. Smyer:

H. 440. To amend Section 481, Title 51, of the Code of Alabama of 1940.

By Messrs. Snyder, Hodo, Chichester, Sessions, Edwards, Smyer and Gwin:

H. 677. To amend Section 877, Title 51, Code of Alabama of 1940.

By Mr. Dodson (with amendment):

H. 735. To set up an Educational Survey Commission, to provide for its duties and powers, and to make an appropriation therefor.

By Mr. Smyer:

H. 764. To authorize the Governor of the State of Alabama to contract with the Harrison Company, the Michie Company, and West Publishing Company, on such terms, conditions, and at such prices as appear proper, to digest, compile, annotate, index and print in pocket supplement form for insertion in the 1940 Code of Alabama, all acts of the Legislature of Alabama, passed since July 2, 1940, to authorize the purchase of not exceeding five thousand sets of said supplements and to appropriate the necessary funds for carrying out the purposes of this act.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. St. John (of Lawrence):

S. 393. So make an appropriation to the State Board of Education of \$10,000 for each of the fiscal years ending September 30, 1944, and September 30, 1945, for the purpose of promoting instruction in the public schools of Alabama concerning the injury done to human beings by the consumption of alcoholic beverages.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 397. To amend Title 5, Section 125 of the Code of Alabama of 1940.

By Mr. Hill:

S. 402. To amend Section 155, Title 55, of the Code of Alabama of 1940.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kilborn:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000, to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Mr. St. John (Cullman), Chairman of the Standing Committee, on Municipalities and Municipal Organizations reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin:

H. 621. To confer additional powers on water works boards organized under Sections 394 to 402 of Title 37 of the Code of Alabama of 1940.

Mr. Benson, Vice-Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sherrer:

S. 418. To authorize and empower Courts of County Commissioners, Boards of Revenue, or courts of like jurisdiction in all counties of the State to expend county funds not exceeding \$8,000.00 per annum for purposes not otherwise provided for by law.

#### JOINT SESSION

In accordance with H. J. R. 45, the Senate repaired to the Hall of the House of Representatives for the purpose of accepting

the bust of Governor Jones, presented to the State of Alabama by Judge Walter B. Jones, in memory of his father.

The purpose of the Joint Session having been accomplished, the Senate returned to its chamber.

## ROLL CALL

## Present:

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Simpson
Carlton	High	Madison	Toomer
Cater	Hill	Pinson	Walton
Cobb			

—25

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Thomas:

H. 789. To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the Clerk of the Circuit Court of Montgomery County shall appoint a deputy for said Court, said deputy clerk shall be paid a salary of one hundred twenty-five dollars per month by the County of Montgomery out of the general fund of said County. Said deputy clerk shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such clerk by whom said deputy is appointed.

Section 2. That all laws and parts of laws, general, local or special in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 3. That this act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.  
Publish May 17th, 24th, 31st, June 7th.

STATE OF ALABAMA,  
MONTGOMERY COUNTY.

Before me, T. A. HARDY, a notary public in and for the State and County aforesaid personally appeared P. W. Walsh, who being first duly sworn by me deposes and says that he is Secretary for The Advertiser Company publishers of The Montgomery Advertiser and that the attached advertisement was published in said newspaper on the following dates May 17, 24, 31, 1943 and June 7, 1943 without cost to the State of Alabama or Montgomery County.

P. W. WALSH.

Sworn to and subscribed before me this 16 day of June, 1943.

T. A. HARDY,  
Notary Public.

Also:

By Mr. Thomas:

H. 790. To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 Session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Register of the Circuit Court of Montgomery County shall appoint a deputy for said Court, said deputy register shall be paid a salary of one hundred twenty-five dollars per month by the County of Montgomery out of the general fund of said County. Said deputy register shall possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such register by whom said deputy is appointed.

Section 2. That all laws and parts of laws general, local or special in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Section 3. That this act shall go into effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.  
Published May 17th, 24th, 31st, June 7th.

STATE OF ALABAMA  
MONTGOMERY COUNTY

Before me, T. A. HARDY, notary public in and for the State and County aforesaid personally appeared P. W. Walsh who being first duly sworn by me deposes and says that he is Secretary for The Advertiser Company publishers of The Montgomery Advertiser and that the attached advertisement was published in said newspaper on the following dates May 17, 24, 31, 1943 and June 7, 1943 without cost to the State of Alabama or Montgomery County.

P. W. WALSH.

Sworn to and subscribed before me this 16 day of June 1943.

T. A. HARDY,  
Notary Public.

Also:

By Mr. Sightler:

H. 801. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

is hereby given that a bill will be introduced in the Legislature of Alabama, in the 1943 session thereof, which bill is in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Montgomery County, Alabama, is hereby authorized and required to provide a pension or retiring allowance plan for the employees of said County, including the employees in the Health, Welfare and Extension Departments provided they be not included under some other pension plan; and, to allow present County Employees who have heretofore been employees of this County's school system, provided they be not included under some other pension plan, to count such service as having been rendered continuously in their present positions; and, also allowing County employees who serve in the military or naval forces of this country between service periods for this County to count such service as having been rendered this County. This Act shall not be construed or interpreted to provide a pension for elective officials.

Section 2. Any such employee of Montgomery County who shall have been in the service of said County for as long as twenty-four (24) consecutive years or who shall have been in the service thereof for as long as

twenty-eight (28) years, the last sixteen (16) years of which have been consecutive and the other twelve (12) years for which credit is sought was in terms of not less than four (4) consecutive years, upon making written application therefor to the Board of Revenue of Montgomery County, shall be retired from said employment service for this County, and upon such retirement, such retired employee shall be paid, and the Board of Revenue of said County shall order and direct the payment of such employee, monthly or otherwise during the remainder of his or her natural life, a sum equal to one-half of the highest monthly compensation paid to such employee from the funds of this County during his or her service period. Provided no monthly pension, or retiring allowance plan provided in this Act shall amount to more than one hundred (\$100.00) Dollars per month to any such retired employee.

Section 3. Upon recommendation of any employing official of said County, whether elective or appointive, the Board of Revenue may after giving thirty days notice in writing to an employee who is eligible for retirement, and after reasonable investigation, if said Board is convinced that any such employee has become unable physically, mentally or otherwise to perform efficiently the duties assigned to him or her, the Board of Revenue may order such employee retired as provided in Section 2 of this Act.

Section 4. Payments under this Act to retired County employees shall be made in the same manner and at the same times and from the same fund as payments of salaries and compensation are made to regular active employees of the Department in which such employee was employed by this County.

Section 5. Nothing included in this Act shall be considered or construed to take from the elective officers of this County including the Board of Revenue and/or its duly authorized agents, the power to dismiss from the service of this County any of his or their active employees who for any cause fails or refuses to render faithful and/or efficient service.

Section 6. The Board of Revenue of Montgomery County shall hear and decide all applications for pensions under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal except by such authority itself.

Section 7. There shall be kept by the Clerk of the Board of Revenue a book to be known as the "Register of Retired Employees." This book shall contain a complete record of the services of said employees together with copy of action of the Board of Revenue of said County, in retiring any and all employees under this Act. The retirement of any employee under the provisions of this Act shall be by Resolution of the Board of Revenue of the County which shall be spread upon its minutes.

Section 8. In case of any dispute arising out of or over the provisions of this Act, or the interpretation of any of the provisions thereof, the decision of the Board of Revenue shall be final and conclusive.

Section 9. No part of any pension paid or subject to payment under the provisions of this Act shall, before or after its payment to a beneficiary hereunder, be seized or held or be in any wise subject to garnishment or levy of execution or attachment or other process issued out of or by any court of this state, or any other state, so far as same may be sought to respond to the payment or satisfaction in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary under said pension system, but shall be exempt therefrom; nor shall the whole or any part of any such pension, or the right thereto, be assigned, and any assignment thereof shall be void and unenforceable.

Section 10. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared

unconstitutional it shall not affect the remaining part or parts of this Act.

Section 11. This Act shall take effect on its approval by the Governor or otherwise becoming a law.

May 27, June 3-10-17, 1943.

### PROOF OF PUBLICATION

#### STATE OF ALABAMA, MONTGOMERY COUNTY

Before me, Louise S. Champion a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 27th and June 3-10 and 17, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 17th day of June, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

Also:

By Mr. Armstrong:

H. 797. To create and establish a Board of Revenue in and for Jackson County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of said Board to abolish the Court of County Commissioners of Jackson County, Alabama; to designate the manner of constituting, selecting and appointing the first board to hold office hereunder, and providing for the appointment of the first chairman of the said Board by the Governor; to fix the term of office of the first board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office, and give bond; to define the powers and duties of the said Board; to fix the compensation of the members thereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to courts of County Commissioners, Boards of Revenue or other governing bodies of like name and authority in this State not in conflict or antagonistic to the jurisdiction, powers and authority conferred by this Act; to authorize the said Board of Revenue to employ a clerk and a supervisor of roads and bridges for the County and to fix the duties, qualifications and compensation of such clerk and supervisor of roads and bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and

all laws constituting the Judge of Probate as principal Judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said County, providing meeting place and time of meeting of said Board, regulating all purchases made by said Board and the expenditure of County funds, to provide for the election of all members of said Board at the expiration of the term of office of the first board constituted hereunder.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE OF LOCAL LEGISLATION

Notice is hereby given that a bill will be introduced at the present session of the Legislature of the State of Alabama to create and establish a Board of Revenue in and for Jackson County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of the said Board; to abolish the Court of County Commissioners of Jackson County, Alabama; to designate the manner of constituting, selecting and appointing the first board to hold office hereunder, and providing for the appointment of the first chairman of the said Board by the Governor; to fix the term of office of the first board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members thereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to courts of County Commissioners, Boards of Revenue or other governing bodies of like name and authority in this State not in conflict or antagonistic to the jurisdiction, powers and authority conferred by this Act; to authorize the said Board of Revenue to employ a clerk and a supervisor of roads and bridges for the County and to fix the duties, qualifications and compensation of such clerk and supervisor of roads and bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal Judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said County, providing meeting place and time of meeting of said Board, regulating all purchases made by said Board and the expenditure of County funds to provide for the election of all members of said Board at the expiration of the term of office of the first board constituted hereunder.

5-18-S4

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
JACKSON COUNTY.

P. W. Campbell, being duly sworn, deposes and says that he is the publisher and editor of the Jackson County Sentinel, a weekly newspaper of general circulation, published at Scottsboro, Jackson County, Alabama; that



the notice hereto attached of intention to introduce local legislation for the creation of a Board of Revenue of Jackson County, Alabama, and to abolish the present Commissioners' Court in said County, was published in said newspaper for four consecutive weeks in the following issues: Date of first publication: May 18, 1943; Date of second publication: May 25, 1943; Date of Third publication: June 1, 1943; Date of fourth publication: June 8, 1943.

P. W. CAMPBELL.

Sworn to and subscribed before me this 9th day of June, 1943.

(SEAL)

LOIS STEWART,  
Notary Public.

Also:

By Mr. Wood:

H. 742. To regulate the use of steel traps and similar devices in Bibb County, Alabama, and prescribe punishment for the violation of this act.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE!

#### A BILL TO BE ENTITLED AN ACT

To regulate the use of steel traps and similar devices in Bibb County, Alabama, and prescribe punishment for the violation of this act.

Be it Enacted by the Legislature of Alabama:

SECTION 1. That it shall be unlawful for any person, firm or corporation, to use steel traps, or other similar devices in Bibb County, Alabama, for trapping or catching any wild game, wild fowl, or fur-bearing animal, except as hereinafter expressly provided.

SECTION 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty-five dollars for each offense and may also be imprisoned in the County jail or sentenced to hard labor for the County for not more than six months.

SECTION 3. Provided, however, that any resident of this county may set such steel trap or similar device only within the curtilage of his home.

SECTION 4. This Act shall become effective on the approval of the Governor. (M-20-4tch).

STATE OF ALABAMA,  
BIBB COUNTY,

Before me, W. L. Pratt a Judge of Probate, in and for said State and County aforesaid, personally appeared J. W. Oakley, Publisher of The Centreville Press, and after being duly sworn by me, deposes and says that the attached Legal Notice was published in The Centreville Press for 4 consecutive weeks, as follows: May 20, 27-June 3-10, 1943. That The Centreville Press is a weekly newspaper of general circulation in Bibb County, Alabama;

That it is entered in the Postoffice at Centreville, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

J. W. OAKLEY,  
Publisher.

Sworn to and subscribed before me, this 14th day of June, 1943.

W. L. PRATT,  
Judge of Probate.

(Seal)

Also:

By Mr. Smyer:

H. 774. To amend Sec. 89 of Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Rains and Mr. Allen:

H. 787. To authorize and empower the City of Gadsden, Etowah County, Alabama, to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows: A tract of land described as beginning at a point where the Southwest line of Locust intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street; thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the Southwest Quarter, lying West of Coosa River, in Section 3 and portions of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 4, all in Township 12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;" and, in the event of any such sale or lease of any part or parts thereof to the United States of America, or to any bureau, department or agency thereof, to authorize such City to accept a nominal consideration for such lease or conveyance; and to ratify, confirm and validate any such lease or conveyance executed by such City prior to the passage and approval of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE OF INTRODUCTION OF LOCAL BILL IN LEGISLATURE

Notice is hereby given that at the Regular Session of the Alabama Legislature beginning May 4, 1943, there will be introduced, and application will be made for the passage of, a local bill, in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and empower the City of Gadsden, Etowah County, Alabama, to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows:

A tract of land described as beginning at a point where the Southwest line of Locust Street intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street; thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the Southwest Quarter, lying West of Coosa River, in Section 3 and portions of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 4, all in Township 12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;"

and, in the event of any such sale or lease of any part or parts thereof to the United States of America, or to any bureau, department or agency thereof, to authorize such City to accept a nominal consideration for such lease or conveyance; and to ratify, confirm and validate any such lease or conveyance executed by such City prior to the passage and approval of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the City of Gadsden, Etowah County, Alabama, be and it is hereby authorized and empowered to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows:

A tract of land described as beginning at a point where the Southwest line of Locust Street intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the South-

west Quarter, lying West of Coosa River, in Section 3 and portions of the SE-¼ of the SE¼ in Section 4, all in Township 12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;" and that, in the event any such sale or lease of any part or parts thereof to the United States of America, or to any bureau, department or agency thereof, said City be and it is hereby authorized and empowered to accept a nominal consideration for such lease or conveyance.

Section 2: That any such lease or conveyance executed by such City prior to the passage and approval of this Act be and the same is hereby ratified, confirmed and validated.

Section 3: That this Act shall become effective upon its passage and approval by the Governor.

J. H. Meighan, Chairman, Board of  
Commissioners of the City of Gadsden, Alabama.

May 12-19-26-June 2.

#### STATE OF ALABAMA, COUNTY OF ETOWAH.

Personally appeared before the undersigned, a Notary Public within and for said county and state, J. R. Hornady, editor of The Gadsden Times, a daily newspaper published at Gadsden, County of Etowah, State of Alabama, who being duly sworn, states on oath that the attached notice was published in said newspaper in its issues of May 12, 19, 26, June 2, 1943.

J. R. HORNADY,  
Editor.

Sworn to and subscribed before me this the 12th day of June, 1943.  
(SEAL) PAULINE FARISS,  
Notary Public.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 789, 790, 801, 797, 742, 774 and 787, to the Committee on Local Legislation.

#### RESOLUTIONS

Messrs. St. John (Lawrence), Henderson and McCary offered the following Senate resolution, to-wit:

S. R. 62. Be it resolved by the Senate that the Senate Temperance Committee which now has and which has had before it since the first Legislative day Senate Bill #60 is hereby ordered and directed to report forthwith to the Senate either with or without

recommendation said Senate Bill #60 and that upon the adoption of this resolution that the Senate recess for a period of 15 minutes for the purpose of permitting said Temperance Committee to act upon said bill and report the same back to the Senate upon the reconvening of the Senate as herein directed.

Which was read and referred to the Standing Committee on Rules.

Messrs. St. John (Lawrence), McCary and Henderson offered the following Senate resolution, to-wit:

S. R. 63. Be it resolved by the Senate that the Senate Temperance Committee which now has and which has had before it since the tenth legislative day Senate Bill #193 is hereby ordered and directed to report forthwith to the Senate either with or without recommendation said Senate Bill #193 and that upon adoption of this resolution that the Senate recess for a period of 15 minutes for the purpose of permitting said Temperance Committee to act upon said bill and report the same back to the Senate upon the reconvening of the Senate as herein directed.

Which was read and referred to the Standing Committee on rules.

The Rules Committee offered the following resolution, to-wit:

S. R. 64. Be it Resolved by the Senate that when the Senate reaches its calendar today; that first, all Local Bills, thereafter each Senator be allowed to call alphabetically one bill from the Calendar until the Roll Call has been completed.

Which was adopted.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Montgomery, Alabama.

Gentlemen:

I am herewith returning to you, the body in which this bill originated, Senate Bill No. 349, without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend Section 2 of said bill so as to read as follows:

"Section 2. That said President of the Board of Revenue shall be a resident citizen and qualified elector of Cherokee County, Alabama, and over the age of twenty-five years. That said President of the Board of Revenue hereby created shall be elected by the qualified electors of Cherokee County, Alabama, at the general election to be held in the year 1946 and every six years thereafter and shall hold office for a term of six years, beginning on the first Monday after the second Tuesday in January next after his elec-

tion and until his successor is elected and qualified, that immediately upon the approval of this Act the Governor of Alabama with the approval of the Senate shall appoint a President of the Board of Revenue who shall hold office until the first Monday after the second Tuesday in January, 1947, and that any time should a vacancy occur in said office of President of the Board of Revenue, the Governor shall make appointment for the unexpired term."

Respectfully,

CHAUNCEY SPARKS,  
Governor.

June 23, 1943.

#### GOVERNOR'S MESSAGE

On motion of Mr. Cobb, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, S. 349, which said amendment is set out in the foregoing Message from the Governor:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Yeas 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Shaver	
Benson	Dodson	Jones	Simpson	
Bentley	Goodwin	Kelly	Smith	
Bradford	Henderson	Kilborn	Toomer	
Carlton	High	Madison	Walton	
Cater	Hill			—21

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, S. 349, as thus amended by the amendment of His Excellency the Governor, was again read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	Sherrer	
Benson	Espy	Jones	Simpson	
Bentley	Garrett	Kilborn	Smith	
Bradford	Goodwin	Lawson	Taylor	
Carlton	High	Madison	Toomer	
Cater	Hill	Shaver	Walton	
Cobb				—24

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

## MOTION IN WRITING

Mr. St. John (Lawrence) offered the following motion in writing:

I move that the rules committee of the Senate be directed and required to report Senate resolution No. 62 forthwith, together with its action thereon this June 23, 1943, and that the Senate recess for 15 minutes for same.

Vernon L. St. John (Lawrence).

And on motion of Mr. Simpson, said motion was laid on the table.

Yeas, 20; Nays, 9.

*Yeas:*

Messrs.:	Garrett	Kelly	Shaver
Bradford	High	Kilborn	Sherrer
Carlton	Hill	Lawson	Simpson
Cater	Hornsby	Madison	Smith
Dodson	Jones	Pinson	Toomer
Espy			

—20

*Nays:*

Messrs.:	Goodwin	Newton	St. John (Lawrence)
Benson	Henderson	St. John (Cullman)	Walton
Bentley	McCary		

—9

## MOTION IN WRITING

Mr. Henderson offered the following motion in writing:

I move that the rules committee of the Senate be directed and required to report forthwith to the Senate Senate Resolution No. 63 together with its action thereon, and that the Senate recess immediately 10 minutes for this purpose.

June 23, 1943.

J. Bruce Henderson.

Which motion was laid on the table on motion of Mr. Simpson.

Yeas, 19; Nays, 9.

*Yeas:*

Messrs.:	Dodson	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bradford	High	Kilborn	Simpson
Carlton	Hill	Pinson	Smith
Cater	Hornsby	St. John (Cullman)	Toomer

—19

*Nays:*

Messrs.:  
Bentley  
Goodwin

Henderson  
Lawson  
Madison

McCary  
St. John (Lawrence) Walton

Taylor

—9

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. 1. TO PROPOSE TO AMEND SECTION 194½ OF THE CONSTITUTION OF ALABAMA SO THAT AS AMENDED SAID SECTION SHALL READ AS FOLLOWS: "SECTION 194½. NO PERSON WHO HONORABLY SERVED IN THE MILITARY SERVICE OF THE UNITED STATES BETWEEN JANUARY 1, 1917 AND NOVEMBER 11, 1918, OR BETWEEN SEPTEMBER 16, 1940 AND DECEMBER 8, 1941, OR AT ANY TIME, PAST OR PRESENT OR FUTURE, WHEN THE UNITED STATES WAS, IS OR SHALL BE AT WAR WITH ANY FOREIGN STATE, SHALL BE REQUIRED AFTER THE BEGINNING OF SUCH SERVICE TO PAY THE POLL TAX SPECIFIED IN THE CONSTITUTION OF ALABAMA AS A PREREQUISITE TO THE PRIVILEGE OF VOTING IN ALABAMA; BUT, ON THE CONTRARY, EVERY SUCH PERSON SHALL BE EXEMPT FROM THE PAYMENT OF ALL POLL TAXES WHICH HAVE THERETOFORE ACCRUED AND HAVE NOT BEEN PAID OR WHICH MAY THEREAFTER ACCRUE; PROVIDED, HOWEVER, THAT IF ANY SUCH PERSON IS DISCHARGED DISHONORABLY FOR SAID SERVICE THE EXEMPTION HEREIN PROVIDED IS FORFEITED, AND SUCH DISHONORABLY DISCHARGED PERSON AS A PREREQUISITE TO THE PRIVILEGE OF VOTING IN ALABAMA THEREAFTER, MUST PAY THE POLL TAX SPECIFIED IN THE CONSTITUTION OF ALABAMA AS IF SUCH PERSON HAD NEVER BEEN IN SUCH SERVICE. THE TERM "MILITARY SERVICE" AS USED IN THIS SECTION INCLUDES SERVICE IN THE ARMY OF THE UNITED STATES, THE UNITED STATES NAVY, THE MARINE CORPS, THE COAST GUARD, THE WOMEN'S ARMY AUXILIARY CORPS, THE WOMEN'S APPOINTED VOLUNTEER EMERGENCY SERVICE, AND THE WOMEN'S RESERVE OF THE UNITED STATES NAVY. THE UNITED STATES SHALL NOT BE DEEMED AT WAR WITH A FOREIGN STATE WITHIN THE MEANING OF THIS SECTION AT A TIME WHEN AN ARMISTICE EXISTS BETWEEN



THE UNITED STATES AND THE FOREIGN STATE. THE JUDGE OF PROBATE SHALL ISSUE A CERTIFICATE OF EXEMPTION TO A PERSON EXEMPT FROM THE PAYMENT OF POLL TAX BY REASON OF THIS SECTION UNDER SUCH RULES AND REGULATIONS AS MAY BE PRESCRIBED BY THE GOVERNOR. THIS SECTION SHALL BE SELF-EXECUTING AND RETROACTIVE; BUT THE LEGISLATURE IS AUTHORIZED TO ENACT LAWS DESIGNED TO CARRY OUT THE PURPOSES OF THIS SECTION"; AND TO ORDER AN ELECTION BY THE QUALIFIED ELECTORS OF THE STATE UPON SUCH PROPOSED AMENDMENT TO BE HELD ON the date of the General Election to be held in November 1944.

Be it Enacted by the Legislature of Alabama:

Section 1. That it is proposed to amend Section 194½ of the Constitution of Alabama and an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the date appointed for such election is the date of the General Election to be held in November 1944. It is proposed that Section 194½ of the Constitution of Alabama be amended to as to read as follows: "Section 194½. No person who honorably served in the military service of the United States between January 1, 1917 and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time, past or present or future, when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the poll tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; Provided, however, that if any such person is discharged dishonorably from said service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the poll tax specified in the Constitution of Alabama as if such person had never been in such service. The term "military service" as used in this section includes service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, the Women's Appointed Volunteer Emergency Service, and the Women's Reserve of the United States Navy. The United States shall not be deemed at war with a foreign state within the meaning of this section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this

section under such rules and regulations as may be prescribed by the Governor. This section shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purposes of this section."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by a Proclamation of the Governor which shall be published in one newspaper once a week in each County in the State for at least four successive weeks next preceding the date hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following: "Shall the following proposed amendment section 194½ of the Constitution of Alabama be adopted?" "No person who honorably served in the military service of the United States between January 1, 1917, and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time, past or present or future, when the United States was, is or shall be at war with any foreign state, shall be required after the beginning of such service to pay the poll tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; Provided, however, that if any such person is discharged dishonorably from said service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the poll tax specified in the Constitution of Alabama as if such person had never been in such service. The term "military service" as used in this section includes service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, the Women's Army Auxiliary Corps, the Women's Appointed Volunteer Emergency Service, and the Women's Reserve of the United States Navy. The United States shall not be deemed at war with a foreign state within the meaning of this section at a time when an armistice exists between the United States and the foreign state. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this section under such rules and regulations as may be prescribed by the Governor. This section shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purposes of this section."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Constitution of the State of Alabama and the Amendments thereof, and the election shall be held in all things

in accordance with this Act and the Constitutional provisions concerning Amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same such Amendment shall be valid to all intents and purposes as part of the Constitution of the State of Alabama. The result of such election shall be made known by Proclamation of the Governor.

Also:

H. 2. To amend Sections 6 and 7 of an Act entitled "An Act to amend an act to incorporate the Tuskegee Normal and Industrial Institute, and to amend an act to amend an act to establish a normal school for colored teachers at Tuskegee, Alabama", approved February 21, 1893.

Also:

H. 33. AN ACT RELATING TO THE INVESTMENT OF FUNDS OF COUNTIES, CITIES AND TOWNS.

Also:

H. 36. To amend Section 287 of Title 37 of the Code of Alabama of 1940.

Also:

H. 57. To provide for the promotion, encouragement, development and regulation of aeronautics, air navigation aids and facilities, airmen and air craft; to provide for the survey, location, mapping and development of state airways and airway facilities; to provide for the registration and issuance of permits, and to establish fees therefor, to operators, instructors, air craft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the state of aeronautical industries; to provide for the operating of, and leasing of, state-owned air navigation facilities; to create a commission for the administration of this act and for the enforcement of the laws of the State of Alabama and of the rules and regulations established by said Commission; to define and describe the powers, duties, responsibilities and privileges of said Commission; and to create a fund for the purpose of this Act.

Also:

H. 115. To provide an automatic appeal for a convicted felon sentenced to death pursuant to the laws of Alabama; to regulate such appeals and to prescribe the procedure therefor; to define an

indigent appellant and to authorize an investigation of the alleged indigency; to provide an indigent appellant with transcriptional service of the court reporter and with legal counsel to prosecute the automatic appeal; and to provide that such service and legal counsel shall be furnished at the expense of the State of Alabama.

Also:

H. 138. To amend Section 318, Title 15, Code of 1940.

Also:

H. 195. To amend Section 524, Title 52, Code of Alabama, 1940.

Also:

H. 220. To amend Title 13, Section 199 of the Code of Alabama.

Also:

H. 242. To create and establish a Division of Records and Reports in the Office of the Governor, to prescribe its function, duties, and powers; to provide for annual reports by certain State agencies and for the manner of issuance and distribution thereof; and to make an appropriation for the maintenance and support of the Division of Records and Reports.

Also:

H. 270. In relation to school buildings: for the purpose of eliminating the causes of school fires and other conditions which jeopardize the health and safety of school children; by providing for preliminary and final inspection of school buildings by the state superintendent of education or his agent for the purpose of seeing that such buildings are constructed in accordance with the plans and specifications under which the contract was let; by providing that contracts for architectural services and school building construction made by county and city boards of education shall be on forms prescribed by the state superintendent of education; and by providing for continuous inspection of certain public school buildings for fire hazards by representatives of the department of finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund.

Also:

H. 313. To provide for the disposition and use of the profits, including all tax levied upon the selling price of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama Liquor Stores operated under the Alcoholic Beverage Control Board of Alabama.

Also:

H. 339. To amend section 166 of Title 13 of the 1940 Code of Alabama.

Also:

H. 350. To amend Section 74 and Section 177 of Title 29 of the Code of Alabama.

Also:

H. 405. To provide for the care and maintenance of the former inmates of the Confederate Soldiers' Home at Mountain Creek.

Also:

H. 530. To provide for appeals to the circuit court in counties having a population of 400,000 or more according to the last or any subsequent Federal census, from decisions of the Board of Equalization in such counties; and to provide for the proceedings and procedure in the circuit court, on such appeals.

Also:

H. 554. To amend Section 732, Title 37 of the Code of 1940.

Also:

H. 580. To amend Sections 2, 7, 10, 11, 13, 14, 25, 26 and 27 of an act of the Legislature, approved September 7, 1935, entitled "An Act To establish an inferior court of record to be called the Intermediate Civil Court of Birmingham; to define the jurisdiction and powers of said court and the officers thereof; to provide for the election or appointment of the judge, clerk and other officers of said court; to fix the terms or tenures of office of the officers of said court and provide for their salaries and compensation and the method of payment of same; to provide the procedure in said court and fix the method of service of all processes therefrom; to create and designate the officials to serve process issued by said court and provide compensation therefor; to designate the officers of said court and define their duties and the duties of other officials with respect to said court; and to provide for appeals from said court and regulate the manner of taking same."

Also:

H. 639. To amend Section 26, Title 17, Code of Alabama of 1940.

Also:

H. 640. To amend Section 27, Title 17, Code of Alabama of 1940.

Also:

H. 641. To apply only to employees who are subject to the provisions of Chapter 12 (Sections 133 to 159, inclusive) of the

1940 Code of Alabama; and to provide that in the event (a) an employee resigns from a position for the purpose of becoming a candidate for nomination or election to a public office, and (b) within the six month period next succeeding the day of his resignation he is reinstated to the eligible list for said position, and (c) thereafter and still within the six month period next succeeding the day of his resignation he is reappointed to said position, and (d) the position has not been filled between the day of his resignation and the day of his reappointment—then, the employee shall be considered for all purposes as having been on leave of absence during the period of time between the day of his resignation and the day of his reappointment; and to further provide that this Act shall apply both retrospectively as well as prospectively, except, however, that in so far this Act will operate to increase the rate of pay of any present employee, such increased rate of pay shall commence only on the day on which this Act becomes a law.

Also:

H. 717. To Alter Or Re-arrange The Boundary Lines of the City of Gadsden, Etowah County, Alabama, so As to Include Within the Corporate limits of said City All Territory Now Within Such Corporate Limits And Also Certain Other Territory In Etowah County, Alabama.

Also:

H. 718. To authorize the members of the Court of County Revenue of Franklin County, Alabama, to be paid by said county the same compensation and allowances as are paid or allowed to commissioners of other counties of Alabama under general law.

Also:

H. 738. Relating to the salaries of the officers of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, to fix the salary of the Clerk of the Juvenile and Court of Domestic Relations—Montgomery County, Alabama, and to fix the maximum amount of the respective salaries to be received by the Probation Officers of said Juvenile and Court of Domestic Relations—Montgomery County, Alabama.

Also:

H. 743. A Bill entitled An Act for the relief of J. Lee Smith, and to authorize, empower, and direct the Court of County Commissioners of Chilton County, Alabama, and the Treasurer of Chilton County, Alabama, to pay to the said J. Lee Smith, the sum of \$1233.34 out of the general fund in the Treasury of said county, not otherwise appropriated in order to reimburse the said

J. Lee Smith for said sum paid by him on account of ex-officio fees theretofore paid to him.

Also:

H. J. R. 59. That House Bill No. 87 be known as the "Hill-Sullivan Bill".

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

#### RESOLUTIONS

Mr. Walton offered the following Senate joint resolution, to-wit:

S. J. R. 65. Resolved by the Senate, the House of Representatives concurring, that H. B. No. 1, which has passed both Houses of the Legislature of Alabama, be and the same is hereby designated as the Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan Bill.

Be it further resolved that a copy of this Resolution be by the Secretary of the Senate filed with the Secretary of State that the Secretary of State be authorized and empowered and instructed to show on the Acts that this Bill has been designated by the Legislature of Alabama as the Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan Bill.

And on motion of Mr. Walton, the rules were suspended and the resolution, adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Pill:

H. 155. To regulate the issuance, delivery and sale of bonds and of certain notes, warrants, and obligations of counties, cities, municipal corporations, and other public bodies and authorities.

And sends same to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 155, to the Committee on Municipalities and Municipal Organizations.

## BILLS ON THIRD READING

The bill:

H. 613. To amend an act approved by the Governor February 24, 1937, entitled an Act to provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund:

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton
Benson	Espy	Hornsby	Pinson
Bentley	Garrett	Jones	St. John (Cullman)
Black	Goodwin	Kelly	St. John (Lawrence)
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith

—23

*Nays:*

—0

The bill:

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement of paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Bradford	Cobb	Garrett
Benson	Carlton	Dodson	Henderson
Bentley	Cater	Espy	High



<i>Nays:</i>				—0
Hill	Kilborn	Newton	Taylor	
Hornsby	Lawson	Pinson	Toomer	
Jones	Madison	Simpson	Walton	
Kelly	McCary	Smith		—26

The bill:

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Hornsby	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Smith	
Carlton	High	Newton	Taylor	
Cater	Hill	Pinson	Walton	—23

*Nays:* —0

The bill:

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Hornsby	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Smith	
Carlton	High	Newton	Taylor	
Cater	Hill	Pinson	Walton	—23

*Nays:* —0

The bill:

H. 777. To amend an Act, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the

roads and bridges in his district, and to fix the salary and compensation of said Commissioners," approved October 19th, 1932.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Smith

—23

*Nays:*

—0

The bill:

H. 753. To authorize the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs and jailers, and to fix their compensation and to repeal all Acts in conflict herewith.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Smith

—23

*Nays:*

—0

The bill:

H. 703. To fix the salary of the County Superintendent of education of Walker County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Smith

—23

*Nays:*

—0

The bill:

H. 781. To regulate the Fine and Forfeiture Fund of Barbour County, Alabama; to require the register of claims against said fund, the same to be presented to the Clerk of the Board of Revenue for approval against said fund and to regulate registration of such claims and to transfer any surplus to the credit of the said fund to the general fund of said county as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue a statement of all monies collected which belong to the Fine and Forfeiture Fund and to state from what source the same was collected; to give the fees and commissions of officers performing services in criminal cases priority over other claims and to provide for the payment of witness claims in criminal cases.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Smith

—23

*Nays:*

—0

The bill:

H. 778. To authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies and to provide for their compensation.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Sherrer
Carlton	Hill	McCary	Simpson
Cater	Hornsby	Newton	Smith

—23

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

By a majority of the whole number elected to the House, the vote being: Yeas, 71; Nays, 0.

And said bill, S. 349, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 71; Nays, 0.

And said bill, S. 349, together with the amendment proposed by his Excellency, the Governor, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Bentley:

S. 188. To amend Sections 185, 187, 191, 204, 209, 212, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in conflict herewith.

Also:

By Mr. Carlton:

S. 330. To provide for the investment in direct obligations of the United States Government of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 720. To further regulate the fine and forfeiture fund of Marshall County, Alabama, the manner of payment of all fines and forfeiture due said County: to require the reregistration and provide for the payment of all claims heretofore registered, and which could on the passage and approval of this bill be used in the payment of any fine or forfeiture due said County, in the same order of their present registration and to provide the time of their reregistration; to fix a time for and require the registration of all other claims; to provide that all claims not hereafter reregistered or registered as provided by this act are to be forever barred; to provide that any and all fines and forfeitures may be paid in such reregistered or registered claims or in money; to provide for a commission to be paid in money to the clerk of 5% of all such claims received by him in payment of any fine or forfeiture due the County of Marshall and for remitting the same, as if said fine or forfeiture had been paid in money; to provide that all fines and forfeitures shall be paid in money or in such reregistered claims, which could prior to the passage and approval of this bill be so used; to provide that any and all balances in cash in the fine and forfeiture fund of said County, after the payment of all such reregistered and all such registered claims, shall be used exclusively to pay the mileage and per diem of witnesses subpoenaed to appear as witnesses before the Grand Jury or for the state in criminal cases in Circuit Court where there is no indictment returned and/or no conviction had in such criminal case, and to provide that after the payment of all reregistered and registered claims and of such mileage and per diem of such witnesses that all balances in the fine and forfeiture fund at the close of business on September 30th of each year shall be transferred to and become a part of the general fund of said county: to provide that only claims reregistered or registered prior to January 1, 1944 shall be accepted as payment for or on any fine or forfeiture due said county: to provide that this act shall not affect any of the provisions of an act of the Legislature approved September 6, 1935, (Local acts of Alabama 1935 page 212), and to provide that if any provision of this act is unconstitutional that such unconstitutionality shall not affect the remaining provisions of this act: and to provide that this act shall become effective upon its passage and approval.

Also:

H. 750. To authorize the governing body of Montgomery County, Alabama to impose an excise tax on persons, corporations,

co-partnerships, companies, agencies, and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax; and to repeal an Act entitled an Act "To authorize the Board of Revenue of Montgomery County, Alabama, to levy and collect a privilege or excise tax on all persons, corporations, co-partnerships, companies, agencies or associations selling in said County gasoline or any devices or substitutes therefor. The Tax, if imposed, shall be one cent per gallon on all gasoline or devices or substitutes therefor sold in said County, and shall be in addition to all privilege or excise taxes now imposed, and to provide rules, regulations and machinery for the collection thereof, and to provide for the enforcement of this Act and to fix penalties for the violation of any provision of this Act, and to provide for the disposition and use of this tax.", approved March 1, 1939.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Walton, further consideration of the bill, H. 51, was indefinitely postponed by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Givhan:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each

of the fiscal years ending September 30th, 1944 and September 30th, 1945.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 665, to the Committee on Finance and Taxation.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,  
Montgomery, Alabama.

Gentlemen:

Under the provisions of Act #163, S. B. #217, approved June 17, 1943, I have today, subject to your approval, appointed FRANK M. SAVAGE, of Center, Alabama, as Judge of the Cherokee Law and Equity Court.

Respectfully,

CHAUNCEY SPARKS,  
Governor.

June 23, 1943

### GOVERNOR'S MESSAGE

On motion of Mr. Cobb, the Senate confirmed the appointment of Frank M. Savage, Judge of Cherokee Law and Equity Court, which appointment is set out in the foregoing Message from the Governor, to-wit:

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	Shaver
Benson	Dodson	Kelly	Sherrer
Bentley	Espy	Kilborn	Simpson
Black	Garrett	Madison	Smith
Bradford	Goodwin	McCary	Toomer
Carlton	Hill	Newton	Walton
Cater	Hornsby	St. John (Lawrence)	

—26

Nays:

—0

### CALENDAR BILL POSTPONED

Further consideration of the bill, H. 581, was postponed by the Senate until the 53rd day.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following bill:

By Mr. Madison:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## BILLS ON THIRD READING RESUMED

The bill:

H. 732. To reenact Act No. 573 of the regular session of the Legislature of Alabama of 1939, approved September 19, 1939 (General Acts of Alabama of 1939, page 910); to provide that such reenacted act shall be effective and operative from the beginning of May 31, 1941 (the effective date of the Code of Alabama of 1940) to the time of passage of this reenacting and amending act; to amend such reenacted Act No. 573 so that such reenacted act, as amended, shall be effective at and after passage of this reenacting and amending act; and to repeal all laws, general or local, in conflict herewith.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Shaver
Benson	Cobb	Madison	Sherrer
Bentley	Dodson	McCary	Simpson
Black	Goodwin	Newton	Smith
Bradford	Henderson	Pinson	Taylor
Carlton	Hornsby	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 773. To change, fix, define and establish the boundary line between Jefferson County and Shelby County.

Was read a third time at length and passed.



Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Carlton	High	Madison	Taylor
Cater	Hill	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 752. To provide for a trial tax in cases in the Morgan County Court of Morgan County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Henderson	St. John (Cullman)
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Dodson	Madison	Shaver
Black	Espy	McCary	Sherrer
Bradford	Garrett	Newton	Simpson
Carlton	Goodwin	Pinson	Smith

—23

*Nays:*

—0

The bill:

H. 766. To provide that the County Board of Education of Conecuh County, Alabama, be authorized to construct, erect, maintain and repair a building in said County to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel, for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a County school library and for other school purposes and to pay for the construction, erection, maintenance and repair of said building out of the school funds of Conecuh County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Black	Cater	Hill
Benson	Bradford	Dodson	Hornsby
Bentley	Carlton	Goodwin	Kilborn

Lawson	Newton	Sherrer	Taylor
Madison	Pinson	Simpson	Toomer
McCary	Shaver	Smith	Walton

—23

*Nays:*

—0

The bill:

H. 775. For the relief of Mrs. Jewel Hall, widow, and James Clifton Hall and W. C. Hall, minor sons of Woodrow Comer Hall, deceased, and to authorize the Court of County Commissioners of Pickens County, Alabama, to pay to said Jewel Hall, widow, the sum of Five Hundred Dollars and to each of said minor sons the sum of Five Hundred Dollars as compensation for the death of said Woodrow Comer Hall growing out of an accident while in the service of said County as an employee thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hill	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	McCary	Smith
Black	Goodwin	Newton	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	High	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 754. To amend Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	St. John (Cullman)
Benson	Goodwin	Kilborn	St. John (Lawrence)
Bentley	Henderson	Madison	Shaver
Black	High	McCary	Sherrer
Bradford	Hill	Newton	Simpson
Carlton	Hornsby	Pinson	Smith

—23

*Nays:*

—0

The bill:

H. 747. To authorize the sheriff and his deputies in all counties having a population of 400,000 or more according to the last or any subsequent Federal census to inspect all public school buildings for fire protection and to require that all fire hazards in or about such buildings in such counties be removed or abated; and to provide the effective date of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	High	St. John (Lawrence)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Newton	Simpson
Bradford	Goodwin	Pinson	Smith
Carlton	Henderson	St. John (Cullman)	Toomer

—23

Nays:

—0

The bill:

S. 407. To alter and extend the boundaries of the City of Birmingham: to provide for an election to submit to the qualified voters of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Garrett	McCary	Smith
Black	Goodwin	Newton	Taylor
Bradford	Henderson	Pinson	Toomer
Carlton	Hornsby	Shaver	Walton

—23

Nays:

—0

The bill:

S. 730. To confer power of condemnation upon cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	St. John (Lawrence)
Bentley	Espy	Kelly	Shaver
Black	Garrett	Kilborn	Sherrer
Bradford	Goodwin	Lawson	Simpson
Carlton	Henderson	Madison	Smith

—23

*Nays:*

—0

The bill:

H. 729. Relating to redemption price of property acquired by cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census through foreclosure of public improvement assessment liens.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Jones	Sherrer
Bentley	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Black	High	St. John (Cullman)	Taylor
Carlton	Hill	St. John (Lawrence)	Toomer
Cater	Hornsby	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 721. To Amend and Re-enact General Act No. 502 of the Session of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, Page 663), approved September 29, 1923, as heretofore amended by General Act No. 574 of the Regular Session of the Legislature of Alabama of 1939 (General Acts of Alabama of 1939, Regular Session, Page 926), approved September 19, 1939; To provide, that all books, files, papers, and records of every kind and description and all funds, assets and property of every description now held, owned, controlled or possessed by such city for the benefit of its said policemen's pension and relief fund, or now credited to such fund, under any law, local or general, which is repealed by this act, be transferred to the policemen's pension and relief fund (of such city) as herein authorized, subject to the rights and remedies which members and beneficiaries had under such pension law repealed by the provisions of this act, and that all of said rights and remedies shall apply to the policemen's pen-

sion and relief fund, provided for such city under the terms of this act; To provide that all laws and parts of laws, both general and local, in conflict with the provisions of this act be and the same are hereby repealed; To provide that this act, upon its approval by the Governor, shall be operative and effective from and after the beginning of the 31st day of May, 1941; and to provide that if any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	Sherrer
Bentley	Garrett	Lawson	Simpson
Black	Goodwin	Madison	Smith
Bradford	Henderson	McCary	Taylor
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 716. To further regulate the method of summoning jurors in all counties in the State of Alabama now having a population of 300,000 or more, according to the last or any subsequent Federal census, to provide for either summoning jurors by registered mail or personal service by the sheriff of such counties.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	Sherrer
Bentley	Garrett	Jones	Simpson
Black	Goodwin	Kilborn	Smith
Bradford	Henderson	Madison	Taylor
Carlton	High	Newton	Toomer
Cobb	Hill	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 548. To amend Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and in-

ferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Pinson
Benson	Espy	Hornsby	Shaver
Bentley	Garrett	Jones	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor

—23

*Nays:*

—0

The bill:

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and system for the benefits of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	Sherrer
Benson	Goodwin	Madison	Simpson
Bentley	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Kelly	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 731. To delegate to cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census unlimited police power for exercise through the adoption of ordinances having application within the corporate limits and police jurisdiction thereof.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	Sherrer
Benson	Goodwin	Madison	Simpson
Bentley	Henderson	McCary	Smith
Black	High	Newton	Taylor
Bradford	Hill	Pinson	Toomer
Cater	Kilborn	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 321. To repeal Title 62, section 349, of the Code of Alabama of 1940, and to place said circuit court reporters under the operation of the general act of Alabama relating to official circuit court reporters as set out in Title 13, sections 261-270, inclusive, as the same now exists or as same may from time to time be amended, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Lawrence)
Benson	Garrett	Kelly	Shaver
Bentley	Goodwin	Kilborn	Simpson
Bradford	Henderson	Madison	Smith
Cater	High	McCary	Taylor
Cobb	Hill	Pinson	Walton
Dodson	Hornsby		

—25

*Nays:*

—0

The bill:

H. 297. For the relief of the First Federal Savings and Loan Association of Montgomery, Alabama, and to appropriate for the said First Federal Savings and Loan Association the sum of \$817.01, said sum being a refund to the said First Federal Savings and Loan Association of excise taxes erroneously paid by said Association of the State of Alabama for the calendar years 1935, 1936 and 1937.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Carlton	Espy	High
Benson	Cater	Garrett	Hill
Bentley	Cobb	Goodwin	Hornsby
Bradford	Dodson	Henderson	Jones

Kelly	Newton	Shaver	Taylor	
Kilborn	Pinson	Simpson	Toomer	
Madison	St. John (Lawrence)	Smith	Walton	
McCary				—28
Nays:				—0

The bill:

H. 426. To amend Section 801 of Title 51 of the Code of 1940.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Pinson	
Benson	Espy	Jones	St. John (Lawrence)	
Bentley	Garrett	Kelly	Shaver	
Bradford	Goodwin	Kilborn	Simpson	
Carlton	Henderson	Madison	Smith	
Cater	High	McCary	Taylor	
Cobb	Hill	Newton	Walton	—27

Nays:

—0

The bill:

H. 35. TO AMEND SECTION 240 OF TITLE 55, OF THE CODE OF ALABAMA OF 1940.

Was read a third time at length and passed.

Yeas, 23; Nay, 1.

Yeas:

Messrs.:	Cater	Hornsby	Newton	
Benson	Dodson	Jones	Pinson	
Bentley	Espy	Kelly	St. John (Lawrence)	
Black	Garrett	Lawson	Shaver	
Bradford	Henderson	Madison	Simpson	
Carlton	Hill	McCary	Walton	—23

Nay: Mr. Cobb

—1

The bill:

S. 234. To set up in the State Treasury a Surplus Income Tax Fund and to Provide for its Distribution.

Was taken up.

Mr. Kilborn moved that further consideration of the bill be indefinitely postponed.

Mr. Cobb moved to lay the motion to indefinitely postpone on the table.



Mr. Cobb moved that the Senate do now adjourn until 9 A. M. tomorrow, which motion was lost.

Yeas, 5; Nays, 24.

Yeas: Messrs.: Black, Cobb, High, Hill and Newton —5

Nays:

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	Pinson	Smith
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Jones	St. John (Lawrence)	Walton
Dodson			

—24

### RECESS

At 12:40 P. M., on motion of Mr. Simpson, the Senate took a recess until 3 o'clock this afternoon.

## FIFTY-FIRST DAY—AFTERNOON SESSION

Wednesday, June 23, 1943.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Ellis presiding.

### ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Toomer
Dodson	Jones	St. John (Cullman)	Walton

—31

### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 330. To provide for the investment in direct obligations of the United States Government of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

Also:

S. 349. To create the office of President of the Board of Revenue in and for Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Also:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### INTRODUCTION OF BILL

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. St. John (Lawrence):

S. 423. To amend Section 68, Title 52, of the Code of Alabama of 1940.

Committee on Education.

#### REPORTS OF COMMITTEES

Mr. Toomer, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McIlwain:

H. 451. To amend Section 223, Title 51, Code of Alabama, 1940, relating to the reports and payments into particular treasuries by the Tax Collector.

By Mr. McIlwain:

H. 452. To amend Sections 162, 165, 167, 168, 169, and 170, of Title 55, Code of Alabama, 1940, relating to the Division of Examiners of Public Accounts in the Department of Finance.

By Mr. Hodo:

H. 364. To amend section 385 of Title 51 of the Code of Alabama of 1940 to allow as a deduction in the computation of net income for income tax purposes certain non-trade or non-business expenses.

By Mr. Thomas:

H. 212. To amend Section 180 of Title 51 of the Code of Alabama of 1940.

By Mr. Robertson:

H. 504. To amend Section 831, Title 51, of the Code of Alabama of 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Locke:

H. 473. To provide for the acceptance, collection, and distribution of payments or allowances from the United States, or any instrumentality thereof, heretofore or hereafter authorized to be made in lieu of ad valorem taxes upon property which is immune from State taxation.

By Mr. Robertson:

H. 505. To amend Section 844 and Section 845, Title 51 of the Code of 1940.

By Mr. Thomas (with notice and proof):

H. 576. For the relief of The Western Railway of Alabama through the refund to it by the State of Alabama of certain sums paid by it by mistake of fact or law or erroneously to the State of Alabama as gross receipts taxes for the years 1932, 1933, 1934,

1935, 1937, and 1938, and to appropriate for this purpose the sum of \$37,113.96 out of any monies in the State Treasury not otherwise appropriated.

By Mr. Sessions:

H. 334. To amend Section 493 of Title 51 of the Code of Alabama of 1940.

By Mr. White (with amendment):

H. 714. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Mr. Toomer, Vice-Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Duffee:

H. 422. In reference to and to further provide for a general revenue of the State of Alabama:

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Deason and Black:

H. 791. To provide additional duties for county solicitors of all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census.

By Mr. Pruet:

H. 807. To provide for the nomination and election of a County Board of Education of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of such Board.

With notice and proof thereto attached and herewith exhibited as follows:

## PUBLIC NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama a Bill will be introduced, and its passage sought, which will be in substance as follows, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the nomination and election of a County Board of Education of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of such Board.

Be it Enacted by the Legislature of Alabama:

Section 1. The County Board of Education of Clay County, Alabama, shall be composed of five members, one of whom shall be Chairman. The Chairman of said Board shall reside in Clay County, Alabama, and shall be elected at the General Election for state and county officers in 1944; one member of said Board shall reside in the fourth Commissioners district, as now constituted, in said county and shall be elected at the General Election for state and county officers in 1944; one member of said Board shall reside in the first Commissioner's district, as now constituted, in said county and shall be elected at the General Election for state and county officers in 1946; one member of said Board shall reside in the second Commissioner's district, as now constituted, in said county and shall be elected at the General Election for state and county officers in 1946; and one member of said Board shall reside in the third Commissioner's district, as now constituted, in said county and shall be elected at the General Election for state and county officers in 1948.

Section 2. Except as herein provided the terms of office, the elections of their successors, the compensation of the members, the qualifications of the members, the powers, duties and authority of the County Board of Education of Clay County, Alabama, shall be the same as is now provided by general law, or as may hereafter be provided by law.

Section 3. The members of the County Board of Education shall be elected by the qualified voters of Clay County, Alabama. Should any candidate for member of such board be nominated in a Primary Election only the voters qualified to vote in the Commissioner's district in which said candidate resides shall participate in such Primary Election for the nomination of such candidate.

THE STATE OF ALABAMA,  
CLAY COUNTY.

Before me, S. Y. Moon, a Notary Public, in and for said County, personally appeared R. M. USSERY, who being first duly sworn, deposes and says that he is the publisher of The Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the Notice of a Bill to be Entitled An Act to Provide for the Nomination and Election of a County Board of Education of Clay County, Alabama, a copy of which is attached hereto, was published in said newspaper for Four consecutive weeks,

commencing in the issue of May 20, 1943, and ending in the issue of June 10, 1943.

R. M. USSERY,  
Publisher.

Sworn to and subscribed before me, this 14th day of June, 1943.

S. Y. MOON,  
Notary Public.

By Mr. Elrod:

H. 814. To provide for an additional clerk in the office of the Circuit Clerk of Blount County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

State of Alabama,  
Blount County.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature of Alabama:

A Bill to be entitled an Act to provide for an additional clerk in the office of the Circuit Clerk of Blount County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. The Circuit Clerk of Blount County, Alabama is hereby authorized to employ a clerk, if in his judgment it is necessary to the proper functioning of his office, said clerk to serve at the will and pleasure of the Circuit Clerk of Blount County, Alabama. Said Circuit Clerk shall fix the salary of such clerk at Nine hundred (\$900) Dollars per year.

Section 2. The salary of said clerk appointed as hereinbefore provided shall be paid out of the general fund of Blount County, Alabama, in equal monthly installments of Seventy-five (\$75.00) Dollars per month. Said payments to be made on warrant drawn by the Circuit Clerk of Blount County, Alabama.

Section 3. Should any clause, sentence, paragraph, part or section of this act be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this act.

Section 4. All laws, general, local and special in conflict herewith are hereby repealed in so far as they conflict herewith.

Section 5. This act shall become effective immediately upon its passage.  
A29-4t.

THE STATE OF ALABAMA,  
BLOUNT COUNTY.

Personally appeared before the undersigned authority, Rice M. Howard, who, being duly sworn, deposes and says that he is the publisher of The Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Local Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 29 day of April, 1943, and ending on the 20 day of May, 1943.

RICE M. HOWARD,  
Publisher.

Sworn to and subscribed before me this 24 day of May, 1943.

C. D. WRIGHT,  
Notary Public.

By Mr. Hankins:

H. 788. To fix the salary of the Deputy Solicitor of Lamar County, Alabama and to prescribe the method of Payment.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given, that application, will be made at the present Session of the Legislature of the State of Alabama, pursuant to Article IV, Section 106, of the Constitution of Alabama, of 1901, for the passage of substantially, the following bill;

A Bill, to fix the Salary of the Deputy Solicitor of Lamar County, Alabama, and to prescribe the method of payment.

Be it enacted by the Legislature of Alabama;

Section 1. The Deputy Solicitor of Lamar County, Alabama, shall receive a Salary of Eighteen Hundred Dollars, per annum, payable One Hundred and Fifty Dollars, per month, out of the County Treasury by said County, on warrant drawn by the Probate Judge of Lamar County, Alabama.

Section 2. That all laws or parts of laws in conflict, with this bill are repealed.

Section 3. That this Act shall take effect from and after its passage and approval.

THE STATE OF ALABAMA,  
LAMAR COUNTY.

Before me, J. A. Hankins, a Notary Public in and for said county, on this day personally appeared Lee Barnes, who being sworn in due form, of law, deposes and says, that he is the Editor and Publisher, of the Lamar Democrat, a weekly newspaper published in Vernon, Lamar County, Alabama, on the dates the attached notice was published and appeared in said paper and that said attached notice, was published and appeared in said newspaper, the said Lamar Democrat, once a week for four (4) consecutive and successive weeks in the issues of said paper of the dates as follows; The issue

of May 26th. 1943, June 2nd. 1943, June 9th. 1943 and June 16th. 1943 said dates being on Wednesday of each of said weeks.

LEE BARNES.

Sworn to and subscribed before me, this June 16th, 1943.

J. A. HANKINS,

Notary Public.

By Mr. Pruet:

H. 806. To provide for the nomination and election of a Commissioners Court of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of said Commissioners Court.

With notice and proof thereto attached and herewith exhibited as follows:

#### PUBLIC NOTICE

Notice is hereby given that at the present session of the Legislature of Alabama a Bill will be introduced and its passage sought, which will be in substance as follows, to-wit:

#### A BILL TO BE ENACTED AN ACT

To provide for the nomination and election of a Commissioners Court of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of said Commissioners Court.

Be it Enacted by the Legislature of Alabama:

Section 1. The Commissioners Court of Clay County, Alabama, shall be composed of five members, and one member of the Court shall reside in the first Commissioner's district as now constituted, and one member shall reside in the second district, as now constituted, and one member shall reside in the third district as now constituted, and one member shall reside in the fourth district as now constituted, and that the Judge of Probate of said County shall constitute, be and act as chairman of said Court. That the Commissioner of district two of said county shall hold over and until his successor shall have been elected, said election to be held at the general election of 1946, and the Commissioner of district number four of said county shall hold over and until his successor shall have been elected, said election to be held at the general election of 1946, and to hold for a time of four years.

Section 2. Except as herein provided the terms of office, the elections of their successors, the compensation of the members, the qualifications of the members, the powers and duties of said Commissioners Court of Clay County, Alabama, shall be the same as is now provided by the general laws or as may hereafter be provided by laws.

Section 3. The members of the Commissioners Court shall be elected by the qualified voters of Clay County, Alabama, should any candidate for member of such Commissioners Court be nominated in any primary election, only such voters as are qualified to vote in said Commissioner's Dis-



trict in which said candidate resides shall participate in such primary election for the nomination of such candidate.

THE STATE OF ALABAMA,  
CLAY COUNTY.

Before me S. Y. Moon, a Notary Public, in and for said County, personally appeared R. M. USSERY, who being first duly sworn, deposes and says that he is the publisher of The Ashland Progress, a newspaper published weekly in Ashland, Clay County, Alabama, and that the Notice of a Bill to be Enacted an Act to Provide for the Nomination and Election of a Commissioners Court of Clay County, Alabama, a copy of which is attached hereto, was published in said newspaper for four consecutive weeks, commencing in the issue of May 20, 1943, and ending in the issue of June 10, 1943.

R. M. USSERY,  
Publisher.

Sworn to and subscribed before me, this 14th day of June, 1943.

S. Y. MOON,  
Notary Public.

By Mr. Smyer:

H. 763. To fix and increase the salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson, County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Personally appeared before me Rufie H. Bell, a Notary Public in and for said County in said State, Amie B. Meadows, who being by me first duly cautioned and sworn deposes and says that she is the Publisher of the Birmingham Record, a weekly newspaper, published in the State of Alabama, and in the City of Birmingham and in the County of Jefferson in said State; and that a legal notice was published for four consecutive weeks in said above named weekly newspaper, which said notice was in words and figures as follows:

"Notice is hereby given that application will be made to the Legislature of Alabama at its next convening session for the passage of an act to increase the salary of the judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama."

Affiant, the said Amie B. Meadows, further deposes and says that the said legal notice was published in the said above named weekly newspaper on the dates of April 17, 1943, April 24, 1943, May 1, 1943 and May 8, 1943.

AMIE B. MEADOWS,

Affiant, who is the Publisher of the Birmingham Record.

Sworn to and subscribed before me on this the 11th day of May, 1943.

(SEAL)

RUFIE H. BELL,

A Notary Public in and for Jefferson County, Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 791, to the Committee on Judiciary.

House bills 807, 814, 788, 806 and 763, to the Committee on Local Legislation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hodo (by request):

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 712, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Rains:

H. 674. To amend Section 125, Title 5, Code of Alabama of 1940, and to provide that the Section as amended shall not repeal or alter the provisions of Title 62, Section 140, of the 1940 Code of Alabama.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 674, to the Committee on Banking.

## RESOLUTIONS

Mr. Hill offered the following Senate joint resolution, to-wit:

S. J. R. 66. Be it resolved by the Senate, the House concurring, that House Bill No. 66, which has passed both the Senate and House of Representatives and has been approved by the Governor, be known as the Bentley-Smyer Act.

And on motion of Mr. Hill, the rules were suspended and the resolution adopted.

## BILL, REPORTED FAVORABLY AND RE-REFERRED

Mr. Garrett, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report with substitute, with recommendation that the bill, and substitute, be re-referred to the Standing Committee on Finance and Taxation, and the bill was read a second time, to-wit:

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaption and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commission-

ers, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

And said bill, and substitute, was re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

### UNFINISHED BUSINESS

The Senate proceeded to the consideration of the unfinished business of the morning session, which was the bill: S. 234.

The question reverted to the motion of Mr. Cobb, to lay on the table the motion of Mr. Kilborn to indefinitely postpone further consideration of the bill, S. 234.

And the motion of Mr. Cobb to table, was lost.

Yeas, 12; Nays, 16.

*Yeas:*

Messrs.:	Hill	Newton	Taylor	
Bentley	Hornsby	Sherrer	Toomer	
Cobb	Kelly	Simpson	Walton	
Henderson				—12

*Nays:*

Messrs.:	Espy	Jones	St. John (Cullman)	
Benson	Garrett	Kilborn	St. John (Lawrence)	
Carlton	Goodwin	Madison	Shaver	
Cater	High	McCary	Smith	
Dodson				—16

The question then' recurred on the motion of Mr. Kilborn to indefinitely postpone, which motion prevailed.

### MOTION TO TAKE FROM ADVERSE CALENDER LOST

Mr. Cobb gave notice on the 49th day that he would move on the next day to remove the bill:

S. 378. To provide for Teaching Spelling and Teaching Arithmetic in the High Schools of Alabama, and penalties for violating provisions of this Act.

from the Adverse Calendar, which motion was postponed on yesterday until today.

And Mr. Cobb moved that the bill, S. 378 now be removed from the Adverse Calendar and be placed on the Regular Calendar, which motion was lost by failure to receive the vote required by the Rules of the Senate.

Yeas, 14; Nays, 11.

*Yeas:*

Messrs.:	Hill	Kilborn	Simpson	
Benson	Hornsby	Newton	Taylor	
Cobb	Jones	Shaver	Walton	
High	Kelly	Sherrer		—14

*Nays:*

Messrs.:	Dodson	Henderson	McCary	
Carlton	Espy	Lawson	St. John (Cullman)	
Cater	Goodwin	Madison	St. John (Lawrence)	
				—11

#### BILLS ON THIRD READING

The bill:

H. 376. For the relief of William Roy Hathaway.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Lawson	Shaver	
Benson	Goodwin	Madison	Sherrer	
Bentley	Henderson	McCary	Simpson	
Carlton	High	Newton	Smith	
Cater	Hill	Pinson	Taylor	
Cobb	Hornsby	St. John (Cullman)	Toomer	
Dodson	Jones	St. John (Lawrence)	Walton	
Espy	Kelly			—29

*Nays:*

—0

The bill:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Cater	Garrett	Hill
Benson	Cobb	Goodwin	Hornsby
Bentley	Dodson	Henderson	Jones
Carlton	Espy	High	Kelly

Kilborn	Newton	Shaver	Smith
Lawson	Pinson	Sherrer	Taylor
Madison	St. John (Cullman)	Simpson	Walton
McCary	St. John (Lawrence)		

—29

Nays:

—0

The bill:

H. 75. To provide for placing names on ballots in municipal elections held pursuant to Section 27 of Title 37 of the Alabama Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Carlton	High	Lawson	Sherrer
Cater	Hill	Madison	Simpson
Dodson	Hornsby	McCary	Toomer
Espy	Jones	St. John (Cullman)	Walton

—23

Nays:

—0

The bill:

H. 34. TO AMEND SECTION 242 OF TITLE 55, OF THE CODE OF ALABAMA OF 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Garrett	Kelly	Sherrer
Benson	Goodwin	Kilborn	Simpson
Carlton	Henderson	Madison	Smith
Cater	High	McCary	Taylor
Cobb	Hill	Pinson	Toomer
Dodson	Hornsby	St. John (Lawrence)	Walton
Espy	Jones	Shaver	

—26

Nays:

—0

The bill:

H. 137. To amend Section 912 of Title 51, Chapter 22 of the Code of Alabama of 1940.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend House Bill 173 by adding the following Sentence at the end of Section 3 thereof:

"Provided, however, that this Act shall not be construed as repealing Section 690, Title 51, Alabama Code of 1940."

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kelly	Shaver	
Carlton	Henderson	Kilborn	Sherrer	
Cater	High	Madison	Simpson	
Cobb	Hill	McCary	Taylor	
Dodson	Hornsby	St. John (Cullman)	Toomer	
Espy	Jones	St. John (Lawrence)	Walton	—23

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kelly	Shaver	
Benson	Henderson	Kilborn	Sherrer	
Cater	High	Madison	Simpson	
Cobb	Hill	McCary	Taylor	
Dodson	Hornsby	Pinson	Toomer	
Espy	Jones	St. John (Cullman)	Walton	—24
Garrett				

*Nays:* —0

#### NOTICE TO REMOVE BILL FROM REVERSE CALENDAR

Mr. Cobb offered the following motion in writing:

"Notice is hereby given that motion will be made on the next legislative day to take from the Adverse Calendar Senate bill No. 378 and place same upon the regular Calendar.

Lem J. Cobb,  
Sen. 29th Dist.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 341. To create a Department of Labor of the State of Alabama and to provide for its personnel, powers, functions, and duties and the performance thereof, to provide for the appointment

by the Governor of boards of mediation, and to provide for their personnel, powers, functions, duties, and procedure, to regulate the activities and affairs of labor organizations and to require reports thereby, to make unlawful interference with the right to work or with the obtaining, use, or disposition of materials, equipment, or service, to regulate the exercise of the right to strike, to prohibit the collection, receipt, or demand of money for the privilege of working, to prohibit executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations, to prohibit political contributions by labor organizations, to create civil liability and to establish civil and criminal penalties and remedies for the violation of this Act and to provide for the enforcement thereof, to make an appropriation for the administration of this Act, and to repeal subsection (2) of Section 3, and subsection (3) of Section 3, and Section 28 of Title 26 of the Code of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifty-first day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the fifty-first day approved by the Senate.

#### ADJOURNMENT

At 4:30 P. M., on motion of Mr. Madison, the Senate adjourned until tomorrow, June 24, 1943, at 10:30 A. M.

Yeas, 15; Nays, 12.

Yeas:

Messrs.:	Espy	St. John (Cullman)	Smith
Benson	Garrett	St. John (Lawrence)	Taylor
Carlton	High	Shaver	Toomer
Cobb	Madison	Sherrer	Walton



## Nays:

Messrs.:	Henderson	Kelly	McCary
Cater	Hill	Kilborn	Pinson
Dodson	Jones	Lawson	Simpson
Goodwin			

—12

## FIFTY-SECOND DAY

Thursday, June 24, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Rev. Jim Blankenship, of the Fort Deposit Baptist Church, Fort Deposit.

## ROLL CALL

## Present:

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Garrett	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Pinson	Taylor
Carlton	Hill	St. John (Cullman)	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Cobb	Kelly		

—29

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVES OF ABSENCE

On motion of Mr. Simpson, leave of absence was granted Mr. Newton, for today.

On motion of Mr. Smith, leave of absence was granted Mr. Goodwin, for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 35. TO AMEND SECTION 240 OF TITLE 55, OF THE CODE OF ALABAMA OF 1940.

Also:

H. 297. For the relief of the First Federal Savings and Loan Association of Montgomery, Alabama, and to appropriate for the said First Federal Savings and Loan Association the sum of \$817.01, said sum being a refund to the said First Federal Savings and Loan Association of excise taxes erroneously paid by said Association to the State of Alabama for the calendar years 1935, 1936 and 1937.

Also:

H. 321. To repeal Title 62, section 349, of the Code of Alabama of 1940, and to place said circuit court reporters under the operation of the general act of Alabama relating to official circuit court reporters as set out in Title 13, sections 261-270, inclusive, as the same now exists or as same may from time to time be amended, Code of Alabama of 1940.

Also:

H. 426. To amend Section 801 of Title 51 of the Code of 1940.

Also:

H. 548. To amend Section 12 of an Act to create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court, approved November 3, 1932.

Also:

H. 613. To amend an act approved by the Governor February 24, 1937, entitled an Act to provide for the compensation of members of the Board of County Commissioners of Bibb County out of the Gasoline Excise Tax Fund:

Also:

H. 703. To fix the salary of the County Superintendent of education of Walker County, Alabama.

Also:

H. 716. To further regulate the method of summoning jurors in all counties in the State of Alabama now having a population of

300,000 or more, according to the last or any subsequent Federal census, to provide for either summoning jurors by registered mail or personal service by the sheriff of such counties.

Also:

H. 721. To Amend and Re-enact General Act No. 502 of the Session of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, Page 663), approved September 29, 1923, as heretofore amended by General Act No. 574 of the Regular Session of the Legislature of Alabama of 1939 (General Acts of Alabama of 1939, Regular Session, Page 926), approved September 19, 1939; To provide, that all books, files, papers, and records of every kind and description and all funds, assets and property of every description now held, owned, controlled or possessed by such city for the benefit of its said policemen's pension and relief fund, or now credited to such fund, under any law, local or general, which is repealed by this act, be transferred to the policemen's pension and relief fund (of such city) as herein authorized, subject to the rights and remedies which members and beneficiaries had under such pension law repealed by the provisions of this act, and that all of said rights and remedies shall apply to the policemen's pension and relief fund, provided for such city under the terms of this act; To provide that all laws and parts of laws, both general and local, in conflict with the provisions of this act be and the same are hereby repealed; To provide that this act, upon its approval by the Governor, shall be operative and effective from and after the beginning of the 31st day of May, 1941; and to provide that if any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Also:

H. 729. Relating to redemption price of property acquired by cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census through foreclosure of public improvement assessment liens.

Also:

H. 730. To confer power of condemnation upon cities which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census.

Also:

H. 731. To delegate to cities which may now or hereafter have a population of two hundred thousand or more inhabitants accord-

ing to the last or any succeeding federal census unlimited police power for exercise through the adoption of ordinances having application within the corporate limits and police jurisdiction thereof.

Also:

H. 734. To create the Municipal Utilities Board of Albertville; to provide for its membership; to appoint the members to compose the original Board; to provide the qualifications of members of the Board; to provide the oath of office of members of the Board; to provide the term of office and method of election of members of the Board; to provide the method of impeaching and removing from office members of the Board; to provide the method of filling vacancies in the Board; to provide for the compensation of the members of the Board; to provide for the organization of the Board; to provide for the meetings of the Board; to provide for copies of the records of the Board to be certified by the Secretary to be competent evidence in all Courts; to provide the authority and duties of the said Board; to provide for the management and control of the Municipal Electric Distribution System of the City of Albertville by said Board; to provide for the employment by the Board of a manager, clerks, stenographers, attorneys, linemen, and any other employees found necessary to be employed by said Board; to provide for official bonds of officers and employees of the Board handling money; to provide for the collection, deposit and distribution of funds received from the operation of said Electric Distribution System; to provide for bond of depository of funds of the Board; to provide for the investment of sinking funds for the retirement of bonds or other contingency funds coming into the hands of the Board; to provide method of withdrawal of funds of the Board and signing of warrants for the payment of claims; to provide that in any expenditure for any new construction, additions or replacements to the electric plant, where the amount to be expended is more than \$500.00 the expenditure must be approved by the City Council of the City of Albertville; to provide for an annual audit and semi-annual publication of the financial condition of the system; to provide that said Board shall have the control, management, and operation of any water, gas, or other utilities if same should in the future be acquired by the City of Albertville; to provide for the management and operation of such other utilities; and to provide for reports of the Board to the City Council.

Also:

H. 747. To authorize the sheriff and his deputies in all counties having a population of 400,000 or more according to the last or any subsequent Federal census to inspect all public school build-

ings for fire protection and to require that all fire hazards in or about such buildings in such counties be removed or abated; and to provide the effective date of this act.

Also:

H. 752. To provide for a trial tax in cases in the Morgan County Court of Morgan County, Alabama.

Also:

H. 753. To authorize the Board of Revenue and Control of Morgan County, Alabama, to provide the sheriff of Morgan County, Alabama, with sufficient deputy sheriffs and jailers, and to fix their compensation and to repeal all Acts in conflict herewith.

Also:

H. 754. To amend Section 11 of the Act of the Legislature of Alabama, approved March 9, 1939, by which the Board of Revenue and Control of Morgan County, Alabama, was created, being Act Number 129 of the regular session of the Legislature of Alabama of 1939 (Local Acts, 1939, page 70 et seq.).

Also:

H. 766. To provide that the County Board of Education of Conecuh County, Alabama, be authorized to construct, erect, maintain and repair a building in said County to be used as an office for said Board, an office for the Superintendent of Education of said County, for an elementary supervisor, attendance worker and other personnel, for storage of books, documents, records and text books in possession of said Board or the County Superintendent of Education, to provide facilities for a County school library and for other school purposes and to pay for the construction, erection, maintenance and repair of said building out of the school funds of Conecuh County, Alabama.

Also:

H. 773. To change, fix, define and establish the boundary line between Jefferson County and Shelby County.

Also:

H. 775. For the relief of Mrs. Jewel Hall, widow, and James Clifton Hall and W. C. Hall, minor sons of Woodrow Comer Hall, deceased, and to authorize the Court of County Commissioners of Pickens County, Alabama to pay to said Jewel Hall, widow, the sum of Five Hundred Dollars and to each of said minor sons the sum of Five Hundred Dollars as compensation for the death of said Woodrow Comer Hall growing out of an accident while in the service of said County as an employee thereof.

Also:

H. 777. To amend an Act, entitled "An Act, to provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners," approved October 19th, 1932.

Also:

H. 778. To authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies and to provide for their compensation.

Also:

H. 781. To regulate the Fine and Forfeiture Fund of Barbour County, Alabama; to require the register of claims against said fund, the same to be presented to the Clerk of the Board of Revenue for approval against said fund and to regulate registration of such claims and to transfer any surplus to the credit of the said fund to the general fund of said county as may be directed by the Board of Revenue; to require all persons or officers of the county whose duty it shall be to collect revenues and money belonging to Barbour County to forward to the clerk of the Board of Revenue a statement of all monies collected which belong to the Fine and Forfeiture Fund and to state from what source the same was collected; to give the fees and commissions of officers performing services in criminal cases priority over other claims and to provide for the payment of witness claims in criminal cases.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote, of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Mr. Hill:

S. 424. To amend Section 439 of Title 37 of the Code of Alabama, 1940.

Committee on Municipalities and Municipal Organizations.

#### REPORT OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar to-wit:

By Mr. Givhan:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

By Mr. Hodo (by request):

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30th, 1944 and September 30, 1945.

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rains (with amendment):

H. 674. To amend Section 125, Title 5, Code of Alabama of 1940, and to provide that the Section as amended shall not repeal or alter the provisions of Title 62, Section 140, of the 1940 Code of Alabama.

Mr. Henderson, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with out recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walton:

S. 373. To propose an amendment to Section 177 of the Constitution of the State of Alabama.

The above bill was read a second time at length as required by the Constitution.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sightler (with notice and proof):

H. 801. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

By Mr. Smyer:

H. 774. To amend Sec. 89 of Title 51 of the Code of Alabama of 1940.

By Mr. Thomas (with notice and proof):

H. 790. To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

By Mr. Thomas (with notice and proof):

H. 789. To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

By Mr. Wood (with notice and proof):

H. 742. To regulate the use of steel traps and similar devices in Bibb County, Alabama, and prescribe punishment for the violation of this Act.

By Mr. Kilborn (by request):

S. 422. To authorize and empower the governing bodies, of counties which now have or may hereafter have a population of more than 140,000 and less than 300,000 according to the last or any subsequent Federal census, to pay moral obligations against the county incurred for a public purpose and which in equity and good conscience should be paid, but for the payment of which as a claim against the county no warrant of law otherwise exists; to place in the discretion of the governing body of the county the determination of whether or not the obligation be a moral one that should be paid in equity and good conscience, such discretion not to be subject to review, provided the obligation was incurred for a public purpose; to state illustratively, but not exclusively, what shall be deemed public purposes within the intendment of this Act; and to make applicable the power and authority, conferred by this Act, as well to obligations incurred before as after the passage of this Act.



By Mr. Kilborn (with notice and proof):

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

By Mr. Armstrong (with notice and proof):

H. 797. To create and establish a Board of Revenue in and for Jackson County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of said Board; to abolish the Court of County Commissioners of Jackson County, Alabama; to designate the manner of constituting, selecting and appointing the first board to hold office hereunder, and providing for the appointment of the first chairman of the said Board by the Governor; to fix the term of office of the first board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members thereof; to confer upon said Board all the jurisdiction, powers and authority that is now or many hereafter be granted by law to courts of County Commissioners, Boards of Revenue or other governing bodies of like name and authority in this State not in conflict or antagonistic to the jurisdiction, powers and authority conferred by this Act; to authorize the said Board of Revenue to employ a clerk and a supervisor of roads and bridges for the County and to fix the duties, qualifications and compensation of such clerk and supervisor of roads and bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal Judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said County, providing meeting place and time of meeting of said Board, regulating all purchases made by said Board and the expenditure of County funds, to provide for the election of all members of said Board at the expiration of the term of office of the first board constituted hereunder.

By Mr. Pruet (with notice and proof):

H. 807. To provide for the nomination and election of a County Board of Education of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of such Board.

By Mr. Pruet (with notice and proof):

H. 806. To provide for the nomination and election of a Commissioners Court of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribed the powers and duties of said Commissioners Court.

By Messrs. Rains and Allen (with notice and proof):

H. 787. To authorize and empower the City of Gadsden, Etowah County, Alabama, to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows: A tract of land described as beginning at a point where the Southwest line of Locust Street intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street; thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the Southwest Quarter, lying West of Coosa River, in Section 3 and portions of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 4, all in Township 12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;" and, in the event of any such sale or lease of any part or parts thereof to the United States of America, or to any bureau, department or agency thereof, to authorize such City to accept a nominal consideration for such lease or conveyance; and to ratify, confirm and validate any such lease or conveyance executed by such City prior to the passage and approval of this Act.

By Mr. Hankins (with notice and proof):

To fix the salary of the Deputy Solicitor of Lamar County, Alabama and to prescribe the method of payment.

Mr. Black, Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bennett (of Calhoun) (with substitute):

H. 767. To Provide for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day

during each week, in Counties having a population of not less than sixty thousand (60,000), nor more than seventy (70,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Stone:

H. 800. To Amend Section 84 of Title 38 of the Code of Alabama of 1940.

Also:

By Mr. Black:

H. 541. For the relief of Hershell McCarn.

Also:

By Mr. Christopher:

H. 615. To authorize the State of Alabama to appropriate and to pay to J. E. Clem of Athens, Alabama the sum of \$500.00 to reimburse the said J. E. Clem, for hospital and doctors bills and medicine bills, loss of time, and the permanent loss of the use of his right arm, on account of being run over by a State Highway Patrol car being driven by R. A. Troupe, a State Highway Patrolman, acting in the line of his duty, on the 5th day of February 1942, in the City of Athens, Alabama.

Also:

By Mr. Stone:

H. 812. To further regulate the Office of the Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 800, to the Committee on Seaports.

House bills 541, 615 and 812, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrant, the principal of and interest on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding in the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or parts of laws in conflict with this act to the extent of any such conflict.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment.

By Messrs. Allen and Rains:

H. 785. To provide for appeals from decisions of Civil Service Boards, by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, and in which the police and fire departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, offices and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws,

whether general, special or local, and whether codified or uncoded, in conflict with the provisions of this Act.

By Messrs. Allen and Rains:

H. 786. To establish in all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, a Policemen and Firemen's Retirement Fund, and to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and a Secretary-Treasurer thereof for such Fund and to provide for their duties, powers, and authority; to provide for the retirement and for reinstatement of active or retired members of such departments and payment of benefits provided for hereunder and payment of benefits to widows, orphans, and widowed mothers of such members; to prescribe duties of the city attorney; to provide for payment of expenses by said Board of Trustees; and to provide for appeals from rulings of the Board of Trustees.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 785 and H. 786, to the Committee on Municipalities and Municipal Organizations.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Joint resolution.

By Mr. Stewart:

H. J. R. 68. BE IT RESOLVED by the House, the Senate concurring that Senate Bill No. 330 by Mr. Carlton be known as the Carlton-Chichester-Eddins Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The rules were suspended, and the resolution, H. J. R. 68, set out in the foregoing Message from the House, was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Allen :

H. J. R. 66. May Session, 1943—Joint Resolution Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts.

Resolved by the senate and house of representatives of the State of Alabama, That application be and it hereby is made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the constitution of the United States:

“ARTICLE \_\_\_\_\_

“Section 1. The sixteenth article of amendment to the constitution of the United States is hereby repealed.

“Section 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration: Provided that in no case shall the maximum rate of tax exceed 25 per centum.

“Section 3. The maximum rate of any tax, duty, or excise which congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 per centum.

“Section 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the congress by a vote of three-fourths of each house may for a period not exceeding one year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

“Section 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes

for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"Section 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect."

And be it further

Resolved, that the congress of the United State be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the constitution of the United States, when ratified by the legislatures of three-fourths of the several states; and be it further

Resolved, that the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the senate of the United States and one to the house of representatives in the congress of the United States.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the Senate in addition to that appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculosis Sanatorium in Morgan County, Alabama, with water.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### RESOLUTIONS

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 67. BE IT RESOLVED by the Senate that upon the completion of the calling of the roll of the Senate under the present Special Order that the following bills be made Special Orders:

House Bill 538.

House Bill 539.

House Bill 723.

House Bill 724.

House Bill 714.

Which was adopted.

Messrs. Walton, Carlton, Kilborn, Henderson, Bentley, Hill, St. John (Lawrence), Benson, Pinson, Dodson, Garrett, Lawson, Toomer, Shaver, Simpson, St. John (Cullman), High, Hornsby, Cater, Espy, Sherrer, Kelly, Madison, Smith, Taylor and Black offered the following Senate joint resolution, to-wit:

S. J. R. 68. Be it resolved by the Senate of Alabama, the House of Representatives concurring, that Senate Bill Number 341 which has passed both Houses of the Legislature of Alabama, be designated and known as the Bradford Act.

Which was read and referred to the Standing Committee On Rules.

#### CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 714. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend H. B. 714 by inserting after the word "therefrom" in the second sentence in Section 3 of said Bill the following "by the State Treasurer on request of the Highway Director, with the approval of the Governor."

Which was adopted.



Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton
Dodson			

—28

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton

—27

*Nays:*

—0

The bill:

H. 238. To amend Section 43 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 1.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer
Benson	High	McCary	Simpson
Bentley	Hornsby	Pinson	Smith
Black	Kelly	St. John (Cullman)	Taylor
Carlton	Kilborn	St. John (Lawrence)	Toomer
Cater	Lawson	Shaver	Walton
Dodson			

—24

*Nay:* Mr. Hill

—1

The bill:

H. 31. To make legal in the State of Alabama any food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

Was taken up.

The Standing Committee on Agriculture offered the following substitute for the bill, to-wit:

**A BILL  
TO BE ENTITLED  
AN ACT**

To make legal in the State of Alabama any Food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. No food which is subject to and complies with the Federal Food, Drug, and Cosmetic Act, as amended, shall be deemed to violate any statute of this State or any order, rule or regulation thereunder. The term "Federal Food, Drug, and Cosmetic Act", as used herein, means the applicable food provisions of such Act; and includes the applicable food definitions and standards established and the applicable food labeling and packaging requirements prescribed under such Act. The term "Federal Food, Drug, and Cosmetic Act", as used herein, also includes the Federal Meat Inspection Act, as amended, and the regulations thereunder.

Section 2. Any food, which within the meaning of the provisions of the Federal Food, Drug and Cosmetic Act would be prohibited from movement in interstate commerce, is hereby declared illegal in Alabama. No person shall sell in Alabama any food which is illegal within the meaning of this Section. This Commissioner and the State Board of Agriculture and Industries shall by regulation adopt for the purpose of this Act, provisions, regulations, definitions and standards included in, or established under, the Federal Food, Drug and Cosmetic Act, properly substituting the term "state commerce" and the name of a state agency for the term "interstate commerce" and the name of a federal agency where necessary to make same applicable and effective under state administration to commerce in Alabama.

Section 3. In order to ascertain jurisdiction of offenses and proper compliance with this Act, the Commissioner of Agriculture and Industries may require the initial manufacturer packer or distributor of any food sold in Alabama to file information regarding its composition which is pertinent and necessary to establish that such food actually contains the ingredients required to be declared on its label under the Federal Food, Drug and Cosmetic Act; provided that this section shall not be construed or applied to require the disclosure of a secret formula or process or of any information except that which the label of a food must disclose under the Federal Food, Drug and Cosmetic Act.

Section 4. This Act is hereby declared to be a part of Title 2, Chapter 1, Code of Alabama 1940.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. If any clause, sentence, section or provision or part of this Act shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not impair, affect or invalidate the remainder of this Act, but the remainder shall remain in full force and effect.

Section 7. This Act shall take effect upon its approval by the Governor.

Mr. Walton moved that further consideration of the bill, and pending substitute, be postponed until the fifty-sixth day.

Mr. St. John (Cullman) moved to lay the motion to postpone on the table, which motion was lost.

Yeas, 12; Nays, 16.

*Yeas:*

Messrs.:	Espy	Pinson	Sherrer
Black	High	St. John (Cullman)	Simpson
Bradford	Lawson	Shaver	Toomer
Carlton			

—12

*Nays:*

Messrs.:	Garrett	Kelly	St. John (Lawrence)
Benson	Henderson	Kilborn	Smith
Bentley	Hill	Madison	Taylor
Cater	Hornsby	McCary	Walton
Dodson			

—16

And further consideration of the bill, H. 31, was postponed until the Fifty-sixth day.

Mr. Kilborn then moved that 250 copies of the bill and pending substitute be ordered printed for the use of the Senate, which motion prevailed.

The bill:

H. 141. To amend Section 462 of Title 37 of the 1940 Code of Alabama, so as to provide for the manner of publication of building code ordinances.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Carlton	Espy
Benson	Bradford	Cater	Garrett

High	Lawson	St. John (Lawrence)	Simpson
Hill	Madison	Shaver	Smith
Hornsby	McCary	Sherrer	Walton
Kelly	Pinson		

—21

Nays:

—0

The bill:

H. 319. To amend Section 212, Title 26, 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Espy	Madison	Shaver
Benson	Garrett	McCary	Sherrer
Bentley	High	Pinson	Simpson
Bradford	Hornsby	St. John (Cullman)	Smith
Carlton	Kelly	St. John (Lawrence)	Walton
Cater	Lawson		

—21

Nays:

—0

The bill:

H. 52. To amend Title 2, Section 568, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	St. John (Cullman)
Benson	Garrett	Kilborn	St. John (Lawrence)
Black	Henderson	Lawson	Shaver
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Smith
Dodson	Hornsby	Pinson	Walton

—23

Nays:

—0

The bill:

H. 48. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs.:	Bradford	Dodson	High
Benson	Carlton	Espy	Hill
Bentley	Cater	Garrett	Hornsby
Black	Cobb	Henderson	Kelly

Kilborn •	Pinson	Sherrer	Taylor	
Lawson	St. John (Cullman)	Simpson	Toomer	
Madison	St. John (Lawrence)	Smith	Walton	
McCary	Shaver			—29

Nays: —0

The bill:

H. 621. To confer additional powers on water works boards organized under Section 394 to 402 of Title 37 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Kelly	St. John (Lawrence)	
Benson	Dodson	Kilborn	Shaver	
Bentley	Garrett	Lawson	Sherrer	
Black	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Walton	
Cater	Hornsby	Pinson		—26

Nays: —0

The bill:

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940", approved May 13, 1943.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend S. B. 411 by striking out Section 5 thereof.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Garrett	Lawson	Sherrer	
Benson	Henderson	Madison	Simpson	
Bentley	High	McCary	Smith	
Black	Hill	St. John (Cullman)	Taylor	
Bradford	Hornsby	St. John (Lawrence)	Toomer	
Carlton	Kelly	Shaver	Walton	
Cater	Kilborn			—25

Nays: —0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Sherrer
Benson	Garrett	Lawson	Simpson
Bentley	Henderson	Madison	Smith
Black	High	McCary	Taylor
Bradford	Hill	Pinson	Toomer
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater	Kelly	Shaver	

—26

*Nays:*

—0

#### MOTION TO MAKE FROM ADVERSE CALENDAR

In accordance with notice given on yesterday, Mr. Cobb moved that the bill:

S. 378. To provide for Teaching Spelling and Teaching Arithmetic in the High Schools of Alabama, and penalties for violating provisions of this Act.  
now be taken from the Adverse Calendar, and be placed on the regular Calendar, which motion prevailed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Garrett	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Pinson	Walton

—27

*Nays:*

—0

Mr. Walton moved that the Senate reconsider the vote by which the bill, S. 378, was ordered removed from the Adverse Calendar and placed on the Regular Calendar, and then moved to lay the motion to reconsider on the table. The motion to table prevailed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 341. To create a Department of Labor of the State of Alabama and to provide for its personnel, powers, functions, and duties

and the performance thereof, to provide for the appointment by the Governor of boards of mediation, and to provide for their personnel, powers, functions, duties, and procedure, to regulate the activities and affairs of labor organizations and to require reports thereby, to make unlawful interference with the right to work or with the obtaining, use, or disposition of materials, equipment, or service, to regulate the exercise of the right to strike, to prohibit the collection, receipt, or demand of money for the privilege of working, to prohibit executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations, to prohibit political contributions by labor organizations, to create civil liability and to establish civil and criminal penalties and remedies for the violation of this Act and to provide for the enforcement thereof, to make an appropriation for the administration of this Act, and to repeal subsection (2) of Section 3, and subsection (3) of Section 3, and Section 28 of Title 26 of the Code of Alabama.

Sam High,  
Chairman.

#### SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sullivan:

H. 254. To Amend Section 30 of Title 19 of the Code of Alabama of 1940.

Also:

By Mr. Tucker:

H. 211. To Amend Section 13 of Title 8 of the Code of Alabama of 1940.

Also:

By Mr. Sanderson:

H. 811. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used and for the

investment thereof; to provide for the payment by the state to said Department of Archives and History of the interest so earned by investment of the money deposited with the state treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars (\$5,000) to said department.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 254 and H. 811, to the Committee on Judiciary.

H. 211, to the Committee on Fish and Game.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 179. To amend Section 480 of Title 52 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Also:

S. 287. To amend section 198 of title 17 of the Alabama Code of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.



## RECESS

At 12:25 P. M., on motion of Mr. Kilborn, the Senate took a recess until 3 o'clock this afternoon.

## FIFTY-SECOND DAY—AFTERNOON SESSION

Thurs, June 24, 1943.

The Senate re-assembled at 3:00 o'clock P. M., Lieutenant-Governor Ellis Presiding.

## ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton

—31

## INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Sherrer:

S. 425. To provide for a term of six years for the members of the courts of county commissioners, boards of revenue, or other county governing bodies, elected at the time of or subsequent to the next general election; to authorize the several counties of the State of Alabama to determine by a majority vote whether the provisions of this act shall be applicable to such county; and to provide the manner for holding such elections.

Committee on County and County Boundaries.

By Mr. Kilborn:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harris (with amendment):

H. 152. To amend Section 216 of Title 61 of the Code of Alabama of 1940.

By Mr. McIlwain:

H. 199. To amend Section 20, Title 34, Code 1940.

By Mr. McIlwain:

H. 359. To amend Section 32 of Title 12, Code of Alabama, 1940.

By Mr. McIlwain:

H. 361. To amend Section 92, of Title 41, Code of Alabama, 1940.

By Mr. Sullivan:

H. 725. To make it unlawful to remove or transport, by any means whatsoever, to a destination beyond the State of Alabama, the body of any person dying in the State of Alabama, unless such body shall have been embalmed in accordance with the laws regulating embalming in this State; to provide the duties of the local Registrar of the district in which the death occurred; and to provide penalties for the violation of this Act.

By Messrs. Deason and Black:

H. 791. To provide additional duties for county solicitors of all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Fite, Dobbs, Johnson, Stell, Hankins and Black (with substitute):

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out

new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaption and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruits; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Elrod (with notice and proof):

H. 814. To provide for an additional clerk in the office of the Circuit Clerk of Blount County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Rains and Allen:

H. 715. To provide that all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall

have such population according to any such census that may hereafter be taken, shall be known as Class "D" Cities; to provide the name by which the chief executive officer of each of such cities shall be known; and to provide that the chief executive officer of each of such cities shall be authorized and empowered to perform services for any agency or board of such city in addition to the duties required of him as such chief executive officer.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Allen:

H. 38. To amend Section 102 of Title 48, of the Code of Alabama of 1940.

Also:

By Mr. Harris:

H. 710. To amend Section 12, Title 30 of the Code of 1940.

Also:

By Mr. Allen:

H. 41. To fix and limit the time for bringing actions for recovery of any rates, fares or charges, or any part thereof, subject to regulation by the Public Service Commission of Alabama for the transportation of persons and property for hire.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 710 and H. 41, to the Committee of Judiciary.

H. 38, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Dearman:

H. J. R. 73. BE IT RESOLVED by the House, the Senate concurring, that House Bill 621 be designated to be known as the Carter-Martin Bill.

And sends same to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The rules were suspended and the resolution, H. J. R. 73, on motion of Mr. Walton, was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H. J. R. 74. WHEREAS this session has demonstrated that the sixty day continuous session of the Legislature as now provided by the constitution has not operated satisfactory or effectively and it is the consensus of opinion of this Legislature that some change should be made, and that any change made should first have the studied thought of this Legislature.

NOW THERE BE IT RESOLVED by the House, the Senate concurring:

1. That a committee consisting of five from the House, to be appointed by the Speaker of the House and three from the Senate to be appointed by the President of the Senate to act between this session and the 1945 session of this Legislature to study all proposals now pending relative to the organization, operation and sessions of the Legislature and as well legislative machinery and operation in other states, and as well the organization, operation and machinery for Legislative sessions now provided and to report to the 1945 session of the Legislature, such recommendations as it shall deem proper.

2. That such committee serve without compensation from or expense to the state.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The resolution, H. J. R. 74 which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 34. TO AMEND SECTION 242 OF TITLE 55, OF THE CODE OF ALABAMA OF 1940.

Also:

H. 48. To make an appropriation for the support and maintenance of the Alabama Vocational School for Girls.

Also:

H. 52. To amend Title 2, Section 568, of the Code of Alabama of 1940.

Also:

H. 75. To provide for placing names on ballots in municipal elections held pursuant to Section 27 of Title 37 of the Alabama Code of 1940.

Also:

H. 141. To amend Section 462 of Title 37 of the 1940 Code of Alabama, so as to provide for the manner of publication of building code ordinances.

Also:

H. 238. To amend Section 43 of Title 8 of the Code of Alabama of 1940.

Also:

H. 319. To amend Section 212, Title 26, 1940 Code of Alabama.

Also:

H. 376. For the relief of William Roy Hathaway.

## BILLS ON THIRD READING

The bill:

H. 271. To amend Sections 54, 90, 92, 103, 111, 127, 159, 174, 197, 309, 333, 361, 432, and 433 of Title 52 of the Code of Alabama of 1940, all of which relate to public education in Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:  
Benson  
Bentley

Black  
Bradford  
Cater

Dodson  
Espy  
Garrett

Henderson  
High  
Hornsby

Jones	McCary	St. John (Lawrence)	Smith	
Kelly	Newton	Shaver	Toomer	
Kilborn	Pinson	Simpson	Walton	
Madison	St. John (Cullman)			—25

Nays: Messrs.: Hill and Taylor —2

Also:

H. 732. To reenact Act No. 573 of the regular session of the Legislature of Alabama of 1939, approved September 19, 1939 (General Acts of Alabama of 1939, page 910); to provide that such reenacted act shall be effective and operative from the beginning of May 31, 1941 (the effective date of the Code of Alabama of 1940) to the time of passage of this reenacting and amending act; to amend such reenacted Act No. 573 so that such reenacted act, as amended, shall be effective at and after passage of this reenacting and amending act; and to repeal all laws, general or local, in conflict herewith.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

The bill:

S. 355. Prohibiting prostitution, lewdness and assignation; to prohibit the keeping, setting up or operating or the receiving of any person into any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation, the directing, taking or transporting any person for the purpose of prostitution, lewdness or assignation, the occupying, residing in, frequenting, entering or remaining in any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation, the receiving or using any person for, the soliciting for or engaging in prostitution, lewdness or assignation; to prohibit the knowingly owning of or letting of any house, place, premise or conveyance for the purpose of prostitution, lewdness or assignation and the aiding, abetting or participating in any of the acts herein prohibited; to provide penalties for violation hereof; to define the terms "prostitution", "lewdness" and "assignation"; and to admit in evidence in support of a charge of violation of this ACT testimony concerning the reputation or character of any house, place, building or other structure, and of the person who resides in or frequents same and of the defendant.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	High	Madison	Simpson
Bradford	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Toomer
Cater	Jones	St. John (Cullman)	Walton

—27

*Nays:*

—0

Mr. Jones moved that the Senate reconsider the vote by which it just passed the bill, S. 335, then moved to lay the motion to reconsider on the table and the motion to table prevailed.

The bill:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	St. John (Lawrence)
Bentley	Dodson	Hornsby	Shaver
Black	Espy	Lawson	Simpson
Bradford	Garrett	Madison	Smith
Carlton	Henderson	Newton	Walton

—23

*Nays:*

—0

The bill:

H. 391. To Amend Section 117 of Title 28, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bradford	High	Kilborn
Benson	Carlton	Hornsby	Lawson
Bentley	Cater	Jones	Madison
Black	Cobb	Kelly	McCary



Pinson	St. John (Lawrence)	Simpson	Toomer
St. John (Cullman)	Sherrer	Smith	Walton

—23

Nays:

—0

The bill:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000, to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend S. B. 420 as follows:

Insert after the word "that" on line 1, section 1 the word "in" and by striking on line 14 of Section 1 the words "three-fourths" and substituting in lieu thereof the words "one-half" and by striking the words "one and one half mills" on line 18 of said section and substituting in lieu thereof the words "one mill" and by striking, on line 21 of said section the word "three" and substituting in lieu thereof the word "two" and amend Section 3, line 8 by adding a comma after the word "thereof" and amend Section 5 by adding, immediately before the first word of the last paragraph the figures and letter 5 (a) and amend Section 7 to renumber the same as Section 8 and add, by inserting the following as Section 7:

Section 7: If any line, sentence, phrase, paragraph, section, subsection or part of this act should be adjudged by the courts as unconstitutional such judgment shall not invalidate the remainder of this act but it shall remain in full force and effect, the Legislature declaring that it would have enacted the remainder of this act without such provision which was adjudged unconstitutional."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	Sherrer
Benson	Espy	Lawson	Simpson
Bentley	Garrett	Madison	Smith
Black	Henderson	Newton	Taylor
Bradford	High	Pinson	Toomer
Carlton	Hornsby	Shaver	Waltón

—23

Nays:

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 1.

*Yeas:*

Messrs.:	Cater	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Garrett	Madison	Simpson
Black	Henderson	Newton	Smith
Bradford	High	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer

—23

*Nay:* Mr. Walton

—1

The bill:

H.520. To amend Section 463, Title 51 of the Code of 1940.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend Section 2 of the H. B. 520 to read as follows:

“Section 2. This act shall become effective upon approval of the Governor”

Which was adopted.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Sherrer
Benson	Espy	Lawson	Simpson
Bentley	Henderson	Newton	Smith
Black	High	Pinson	Taylor
Bradford	Hill	St. John (Cullman)	Toomer
Carlton	Hornsby	St. John (Lawrence)	Walton
Cobb	Jones	Shaver	

—26

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nay, 1.

*Yeas:*

Messrs.:	Bradford	Espy	Hornsby
Benson	Cater	Henderson	Jones
Bentley	Cobb	High	Kelly
Black	Dodson	Hill	Kilborn

St. John (Cullman)	Shaver	Taylor	Walton	
St. John (Lawrence)	Simpson	Smith		—22
Nay: Mr. Madison				—1

The bill:

S. 152. To amend Section 732, Title 51, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Henderson	Madison	Sherrer
Black	High	McCary	Taylor
Carlton	Hill	Newton	Toomer
Cater	Hornsby	Pinson	Walton
Cobb	Kelly	St. John (Cullman)	

Nays: —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Harris:

H. 599. To authorize cities and counties, either jointly or separately to acquire and operate a hospital.

Also:

By Mr. Robertson of Cullman:

H. 768. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

Also:

By Mr. Byars and Coburn:

H. 366. To amend Section 702, Title 51, Code 1940.

Also:

By Mr. Johnston of Mobile and Mr. Stone:

H. 618. To amend Section 63 of Title 14, Code of Alabama, 1940.

Also:

By Mr. Johnston of Mobile and Mr. Stone:

H. 619. To amend Section 64 of Title 14, Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 599, to the Committee on Municipalities and Municipal Organizations.

H. 768, to the Committee on Finance and Taxation.

H. 366, to the Committee on Public Roads and Highways.

H. 618 and H. 619, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Johnston of Mobile:

H. 690. To require the Sheriffs of the Several Counties of the State to Fingerprint Each Person Coming Into His Custody; To Furnish A Copy of Such Fingerprints to the Director of the Federal Bureau of Investigation, Washington, D. C. and a Copy to the Director, Department of Public Safety, State Bureau of Investigation and Identification, Montgomery, Alabama; to Provide that the Department of Public Safety, State Bureau of Investigation and Identification shall constitute the central assembling agency for receiving, maintaining and furnishing such fingerprint records; to Provide for the Necessary Equipment; and to Provide a Fee for the Several Sheriffs to be taxed and collected as other costs.

Also:

By Mr. Norman of Bullock:

H. 630. To amend Section 428 of Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 690, to the Committee on Judiciary.

H. 630, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Robertson of Cullman:

H. 815. To amend Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect," which Act became a law September 14, 1939, under Section 125 of the Constitution.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA,  
CULLMAN COUNTY.

Notice is hereby given that the following bill will be introduced and passed at the 1943 Session of the Legislature:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, and other like governing bodies of the

several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect," which Act became a law September 14, 1939, under Section 125 of the Constitution.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect," which Act became a law September 14, 1939, under Section 125 of the Constitution, be and the same is hereby amended so as to read as follows:

Section 4. The compensation of the Chairman of said Board of Revenue shall be Fifteen hundred (\$1500.00) Dollars per annum, and the compensation of the two associate members shall be Twelve hundred (\$1200.00) Dollars per annum, to be paid in monthly installments from the general fund of said county upon warrants issued by the Chairman of the Board of Revenue.

A Bill To Be Entitled an Act To Be Introduced into the 1943 Session of the Legislature:

THE STATE OF ALABAMA,  
CULLMAN COUNTY.

Before me, Evelyn Hollis, a Notary Public in and for said County and State, personally appeared J. R. Rosson, publisher of THE CULLMAN DEMOCRAT, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week for four successive weeks and being in the issues of the said newspaper of the following dates, viz May 13, 20, 27; June 3, 1943.

J. R. ROSSON,  
Publisher.

Sworn to and subscribed before me this the 21st day of June, 1943.  
(SEAL) EVELYN HOLLIS,  
Notary Public.

Also:

By Mr. Hankins:

H. 819. To confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County, Alabama throughout and Co-Extensive with Lamar County, Alabama.

With notice and proof hereto attached and herewith exhibited as follows:

THE STATE OF ALABAMA,  
LAMAR COUNTY.

### NOTICE

Notice is hereby given that, application will be made at the present session of the Legislature of Alabama, for the passage of substantially the the following bill:

A bill to be entitled, An Act, to confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County Alabama, throughout and Co-Extensive with Lamar County, Alabama;

Be it Enacted by the Legislature of Alabama:

Section 1. That all Justices of the Peace and all Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County, Alabama, shall have and exercise Jurisdiction as such Justices of the Peace and Notaries Public and Ex-Officio Justices of the Peace, throughout and Co-Extensive, with Lamar County, Alabama.

Section 2. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Section 3. That this Act, shall become effective, upon its approval by the Governor.

THE STATE OF ALABAMA,  
COUNTY OF LAMAR.

Before me, the undersigned, J. A. Hankins, a Notary Public in and for said State and County, personally appeared Lee Barnes, Owner and Publisher of The Lamar Democrat, a weekly newspaper published in Lamar County, Alabama, who being duly sworn, says that notice, of which the attached is a true and correct copy, was published in said newspaper once a week for four successive weeks, being in the issues of the newspaper on the following dates: June 2, June 9, June 16, and June 23, 1943.

LEE BARNES.

Sworn to and subscribed before me this June 23, 1943.

J. A. HANKINS,  
Notary Public.

Also:

By Mr. Posey:

H. 818. To provide for the election of the County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof, to prescribe the duties and qualifications, and to fix the term and compensation of such officer.

With notice and proof hereto attached and herewith exhibited as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the election of the County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof, to prescribe the duties and qualifications, and to fix the term and compensation of such officer.

Be It Enacted By The Legislature Of Alabama:

Section 1. That at the general election for the year 1944 and every four years thereafter, there shall be elected a County Superintendent of Education for Autauga County, Alabama, by the qualified voters of said county, who shall hold office for a term of four years from the July first next succeeding the election and until a successor is elected and qualified.

Section 2. That candidates for the office of such Superintendent of Education may be nominated as candidates for other county offices of Autauga County, State of Alabama.

Section 3. That such County Superintendent of Education shall be a qualified elector of the county in which he resides and possess all the other qualifications required under the general laws of this State for County Superintendent of Education; and he shall perform and discharge all the duties of County Superintendent of Education under the general laws of this State. Provided that if there be a vacancy in said office from any cause whatever, the county board of education is authorized to fill such vacancy as is provided by the general laws of the State.

Section 4. That such County Superintendent of Education shall devote his entire time to the public school business of Autauga County and shall receive such compensation, including salary and traveling expenses, as the county board of education shall direct, To be paid out of the Educational fund of the county.

Section 5. That all laws, general, special, and local in conflict with this act be and the same are hereby repealed.

Section 6. That this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming becoming a law.  
4tM.20,27,J3,10.

AFFIDAVIT OF PUBLICATION

This is to certify that the attached Legal notice appeared in The Prattville Progress, a newspaper published in the City of Prattville and the County of Autauga, Alabama, for 4 consecutive issues, namely those on May 20th, May 27th, June 3rd, and June 10th.

The Prattville Progress, in which the attached advertisement was carried, has a general circulation in the county in which it is published, which newspaper has been mailed under second-class mailing privileges for 52 consecutive weeks prior to the publication of the said Legal Notice.

MRS. H. M. DOSTER, Publisher.

Sworn to and subscribed before me, this 21st day of June, 1943.

JOHN A. DICKINSON,  
Notary Public.



Also:

By Messrs. Edwards, Gwin, Snyder, Hodo, Smyer, Sessions and Chichester:

H. 216. To further regulate the operation of hospitals and clinics by counties having a population of 400,000 or more according to the last or any subsequent Federal census; to authorize the making of a reasonable charge for services rendered; and to provide for the effective date of this act.

Also:

By Mr. Thomas:

H. 578. To amend section 187 of Title 13, Code of Alabama of 1940.

Also:

By Mr. Smyer:

H. 823. To apply in the Circuit Court in Counties having a population of 300,000 or more according to the last or any subsequent Federal census; and to provide that if the accused and his counsel and also the prosecuting attorney, in any criminal prosecution, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not; and to provide that a separation so permitted shall not create a presumption of prejudice to the accused, but that on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of the separation of the jury.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 816, to the Committee on County and County Boundaries.

H. 578, to the Committee on Judiciary.

House bills 815, 819, 818 and 823, to the Committee on Local Legislation.

#### RESOLUTIONS

Mr. Kilborn offered the following Senate joint resolution, to-wit:

S. J. R. 69. BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring that a joint

committee of the two houses, to be composed of two members of the Senate, to be appointed by the presiding officer at the time of the passage of this resolution, and three members of the House to be appointed by the presiding officer at the time of passage of this resolution, is hereby established to investigate the Department of Conservation, and particularly the Fish, Game and Seafood Division thereof, within sixty days from the passage of this resolution and report back in writing to the Governor of Alabama their findings and recommendations with reference to that department, and

Be it further resolved that a copy of the findings so made be sent to each member of the Legislature of Alabama.

Be it further resolved that the expenses of the committee appointed under this resolution be paid out of the funds appropriated for the present session of the legislature, contingent on the approval of such expenses by the Governor.

Which was adopted.

And the President of the Senate appointed Messrs. Kelly and Kilborn as Committee on the Part of the Senate.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrants, the principal of and interest on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding in the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or parts of laws in conflict with this act to the extent of any such conflict.

Also:

S. 188. To amend Section 185, 187, 191, 204, 209, 212, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in conflict herewith.

Also:

S. 179. To amend Section 480 of Title 52 of the Code of Alabama of 1940.

Also:

S. 287. To amend section 198 of title 17 of the Alabama Code of 1940.

Also:

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the State in addition to that appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculosis Sanatorium in Morgan County, Alabama, with water

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the bills:

By Mr. Martin:

H. 520. To amend Section 463, Title 51 of the Code of 1940.

By Mr. White:

H. 714. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal mount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway De-

partment to make rules and regulations necessary or convenient for the administration of this act.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifty-second day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

The foregoing Report from the Committee on Revision of the Journal was read and, on motion of Mr. Smith, said report was concurred in and the Journal of the Senate for the Fifty-Second day approved by the Senate.

#### ADJOURNMENT

At 4:45 P. M., on motion of Mr. St. John (Cullman), the Senate adjourned until tomorrow, Friday, June 24, 1943, at 9 o'clock A. M.

## FIFTY-THIRD DAY

Friday, June 25, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Rabbi Alfred Moses, of Government Street Temple, Mobile, Alabama.

## ROLL CALL

Present:

Messrs.:	Dodson	Lawson	Shaver
Benson	Garrett	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton
Cobb	Kilborn		

—29

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sullivan:

H. 254. To amend Section 30 of Title 19 of the Code of Alabama of 1940.

Mr. Henderson, Chairman of the Standing Committee on Constitutional and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Deason and Black:

H. 757. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the First

Monday in November, 1944, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate, and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff and Register of the Circuit Court, and provide the method and basis of their compensation in Walker County, Alabama.

The above bill was read a second time at length as required by the Constitution.

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (of Lawrence):

S. 423. To amend Section 68, Title 52, of the Code of Alabama of 1940.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they severally read a second time and placed on the calendar, to-wit:

By Mr. Hill:

S. 424. To amend Section 439 of Title 37 of the Code of Alabama, 1940.

By Messrs. Allen and Rains:

H. 785. To provide for appeals from decisions of Civil Service Boards, by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, and in which the police and fire departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, offices and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws, whether general, special or local, and whether codified or uncoded, in conflict with the provisions of this Act.

By Messrs. Allen and Rains:

H. 786. To establish in all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, a Policemen and Firemen's Retirement Fund, and to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and a Secretary-Treasurer thereof for such Fund and to provide for their duties, powers, and authority; to provide for the retirement and for reinstatement of active or retired members of such departments and payment of benefits provided for hereunder and payment of benefits to widows, orphans, and widowed mothers of such members; to prescribe duties of the city attorney; to provide for payment of expenses by said Board of Trustees; and to provide for appeals from rulings of the Board of Trustees.

Mr. Kilborn, Chairman of the Standing Committee on Seaports, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stone:

H. 800. To amend Section 84 of Title 38 of the Code of Alabama of 1940.

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

H. 691. To provide for registration as electors of persons in the military service of the United States, as hereinafter defined, who by reason of such service are absent from the State.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smyer:

H. 823. To apply in the Circuit Court in Counties having a population of 300,000 or more according to the last or any subsequent Federal census; and to provide that if the accused and his counsel and also the prosecuting attorney, in any criminal prose-

cution, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not; and to provide that a separation so permitted shall not create a presumption of prejudice to the accused, but that on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of the separation of the jury.

By Mr. Robertson (with notice and proof) (Cullman):

H. 815. To amend Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect." which Act became a law September 14, 1939, under Section 125 of the Constitution.

By Mr. Posey (with notice and proof):

H. 818. To provide for the election of the County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof, to prescribe the duties and qualifications, and to fix the term and compensation of such officer.

By Mr. Smyer (with notice and proof):

H. 763. To fix and increase the salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama.

By Mr. Byars (with notice and proof):

H. 607. To divide Lawrence County, Alabama, into four (4) Commissioner's Districts. To define the boundaries thereof, and to provide for the survey and establishment of permanent boundaries to such Commissioner's District and to provide for the election of the members of the Board of Revenue, or other governing body, for said County by qualified voters of Lawrence County for each



of such Commissioner's Districts; to provide that a member from each district shall be nominated and elected by the qualified voters of the entire County of Lawrence.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with out recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Byars (with notice and proof):

H. 608. To authorize the Purchasing Agent of Lawrence County, Alabama to employ a clerk of the Commissioner's Court, Board of Revenue, or other governing body of Lawrence County; to fix his salary, and to provide for his term of office:

By Mr. Byars (with notice and proof):

H. 606. To create the office of Purchasing Agent of Lawrence County, Alabama, and to provide that the Probate Judge of Lawrence County, Alabama, shall be ex officio Purchasing Agent of Lawrence County, to fix his salary, provide for his term of office and to define his duties and authorities; to provide that all material, merchandise, stationery, office supplies, equipment, and all material of every kind whatsoever, shall be purchased by the Purchasing Agent of Lawrence County, Alabama, and further, to provide that the Board of Revenue of Lawrence County, or other governing body of Lawrence County, or any other person shall have no authority to bind Lawrence County for any purchases, except those made through and approved by the Purchasing Agent of Lawrence County, Alabama.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stone:

H. 812. To further regulate the Office of the Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

By Mr. Black:

H. 541. For the relief of Hershell McCarn.

By Mr. Robertson (Cullman):

H. 768. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Locke:

H. 643. To amend Section 346, Title 51, Code 1940.

Also:

By Mr. Norman of Bullock:

H. 500. To amend Section 732, Title 51, of the Code of Alabama of 1940.

Also:

By Mr. Norman of Bullock:

H. 637. To amend Section 399, Title 51, of the Code of Alabama of 1940.

Also:

By Mr. Rains:

H. 652. To provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. 643 and H. 637, to the Committee on Corporations.

H. 500, to the Committee on Finance and Taxation.

H. 652, to the Committee on Aviation and Traffic.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Tucker:

H. 824. To provide additional clerical assistants for the Clerk of the House and the Secretary of the Senate for four weeks after the adjournment of the present session of the Legislature.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate standing committee as follows:

H. 824, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate for its consideration:

By Mr. Sullivan:

H. J. R. 76. BE IT RESOLVED by the House of Representatives, the Senate concurring that when the two Houses adjourn today, they adjourn to meet again on Monday, June 28th, 1943.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The resolution, H. J. R. 76, was read and referred to the Standing Committee on Rules.

#### RESOLUTIONS

Mr. Kilborn offered the following Senate resolution, to-wit:

S. R. 70. BE IT RESOLVED by the Senate of Alabama that the Senate do meet on Saturday, June 26th, to consider such bills as the Senate shall, today, by unanimous consent, agree to take up at that time.

Which was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING

The bill:

H. 262. To propose an amendment to the Constitution of Alabama.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To propose an Amendment to the Constitution of Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That an amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama at the next general election to be held after the passage of this Act and not less than ninety days after the final adjournment of the session of the Legislature, at which this law is enacted, which amendment is as follows, viz: Effective at the beginning of the next ensuing fiscal year following the ratification by the people of this amendment, there is hereby levied a license or privilege tax in addition to that now levied by law against the persons and on account of the business activities defined in sections 752 to 786 inclusive, Title 51, Code of Alabama of 1940 (hereinafter referred to as the Sales Tax) and there is hereby levied an excise tax in addition to that now levied by law against the persons and on account of business activities defined in sections 787 to 811 inclusive, Title 51, Code of Alabama of 1940 (hereinafter referred to as the Use Tax), each of said taxes to be in an amount equal to 1% of the amounts on which said Sales Tax and Use Tax are now and may hereafter from time to time be levied. Said tax shall be levied, assessed and collected by the same agencies, on the same taxpayers, at the same time and in the same manner in all other respects as said Sales Tax and said Use Tax are from time to time levied, assessed and collected. Three-fifths of said tax shall when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the department of the State administering the program of assistance to the aged and shall be by said Department used exclusively for Old Age Assistance purposes and shall be treated as if expressly appropriated by the Legislature for such purposes, and one-half shall be the Treasurer of the State be remitted to the counties of Alabama to be used exclusively for Old Age Assistance purposes by the county departments administering the program of assistance to the aged, to be distributed on the basis of the ratio of the population 65 years of age and over in each county to the total State population 65 years and over according to the last decennial Federal Census next preceding the commencement of the fiscal year for which distribution is to be made, provided that in the event the Federal public assistance program now or hereafter does not include

that category designated as Old Age Assistance, or a category similar thereto, by which Federal funds are appropriated to match State funds for Old Age Assistance, or in the event there comes into existence a general Federal public assistance program applicable to all persons rather than a category designated as the aged, then that three-fifths portion of the tax provided for herein shall continue to be distributed to the State and to the counties of Alabama as hereinabove provided, but the same shall be used in conformity with the requirements of such Federal public assistance programs. Two-fifths of said tax shall when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the department of the State then administering public welfare services to be used for those public welfare purposes other than the program of assistance to the aged and shall be treated as if expressly appropriated by the Legislature for such purposes and shall be used by said department for such purposes in such proportions as the department or the Legislature may from time to time provide, and one-half shall by the Treasurer of the State be remitted to the counties of Alabama in proportion to the ratio of the total population of each county to the total population of the State as a whole according to the last decennial Federal Census next preceding the commencement of the fiscal year for which distribution is to be made, and used for those public welfare services other than the program of assistance to the aged by the county departments then administering such services. The levy, collection and disbursement of this tax shall be effective without any enabling act of the Legislature but the Legislature may implement and aid the administration of this amendment by any act not inconsistent with the provisions hereof and it is expressly provided that any legislative changes in the methods of levying, assessing or collecting or in the activities or commodities made subject to or exempt from said Sales Tax and Use Tax shall at the time the same become effective with respect to said Sales Tax and Use Tax be effective as to the tax levied hereby, except that if the said Sales Tax and Use Tax be repealed in whole or substantial part the tax levied hereby shall from the date of said repeal be effective on the activities and on the commodities on which the said Sales Tax and Use Tax are levied at the effective date of this amendment.

Section 2. Notice of the said election and the amendment hereby proposed shall be given by proclamation of the Governor, which proclamation shall be published in one newspaper in every county in this State once a week for at least four successive weeks next preceding the date of said election.

Section 3. At the said election the qualified voters shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of

Alabama? Effective at the beginning of the next ensuing fiscal year following the ratification by the people of this amendment, there is hereby levied a license or privilege tax in addition to that now levied by law against the persons and on account of the business activities defined in sections 752 to 786 inclusive, Title 51, Code of Alabama of 1940 (hereinafter referred to as the Sales Tax) and there is hereby levied an excise tax in addition to that now levied by law against the persons and on account of the business activities defined in sections 787 to 811 inclusive, Title 51, Code of Alabama of 1940 (hereinafter referred to as the Use Tax), each of said taxes to be in an amount equal to 1% of the amounts on which said Sales Tax and Use Tax are now and may hereafter from time to time be levied. Said tax shall be levied, assessed and collected by the same agencies on the same taxpayers at the same times and in the same manner in all other respects as said Sales Tax and said Use Tax are from time to time levied, assessed and collected. Three-fifths of said tax shall when collected be covered in the Treasury of the State of Alabama, one-half to the credit of the department of the State administering the program of assistance to the aged and shall be by said department used exclusively for Old Age Assistance purposes and shall be treated as if expressly appropriated by the Legislature for such purposes, and one-half shall by the treasurer of the State be remitted to the counties of Alabama to be used exclusively for Old Age Assistance purposes by the county departments administering the program of assistance to the aged, distributed on the basis of the ratio of the aged population 65 years of age and over in each county to the total State population 65 years of age and over according to the last decennial Federal Census next preceding the commencement of the fiscal year for which distribution is to be made, provided that in the event the Federal public assistance program now or hereafter does not include that category designated as Old Age Assistance, or a category similar thereto, by which Federal funds are appropriated to match State Funds for Old Age Assistance, or in the event there comes into existence a general Federal public assistance program applicable to all persons rather than a category designated as the aged, then that three-fifths portion of the tax provided for herein shall continue to be distributed to the State and to the counties of Alabama as herein above provided, but the same shall be used in conformity with the requirements of such Federal public assistance program. Two-fifths of said tax shall when collected be covered into the Treasury of the State of Alabama, one-half to the credit of the department of the State then administering public welfare services to be used for those public welfare purposes other than the program of assistance to the aged and shall be treated as if expressly appropriated by the Legislature for such purposes and shall be used by said department for such purposes in such

proportions as said department or the Legislature may from time to time provide, and one-half shall by the Treasurer of the State be remitted to the counties of Alabama in proportion to the ratio of the total population of each county to the total population of the State as a whole according to the last decennial Federal Census next preceding the commencement of the fiscal year for which distribution is to be made, and used for those public welfare services other than the program of assistance to the aged by the county departments administering such services. The levy, collection and disbursement of this tax shall be affective without any enabling act of the Legislature but the Legislature may implement and aid the administration of this amendment by any act not inconsistent with the provisions hereof and it is expressly provided that any legislative changes in the methods of levying, assessing or collecting or in the activities or commodities made subject to or exempt from the said Sales Tax and Use Tax shall at the time the same become effective with respect to the said Sales Tax and Use Tax be effective as to the Tax levied hereby except that if said Sales Tax and Use Tax be repealed in whole or substantial part the tax levied hereby shall from the date of said repeal be effective on the activities and on the commodities on which the said Sales Tax and Use Tax are levied at the effective date of this amendment. ( (Yes.....) (No.....). )

Section 4. The officers to hold the said election shall be the same officers who are appointed to conduct and who shall conduct the general election held on the date on which said amendment is to be voted on, and the election with respect to said amendment shall be conducted in all respects as provided by law for general elections held in the State of Alabama.

Section 5. The vote cast in such election shall be canvassed, tabulated, and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed constitutional amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the constitution of that State of Alabama. The result of such election shall be known made by a proclamation of the Governor.

And on motion of Mr. Pinson, the substitute for the bill, was laid on the table.

On motion of Mr. Pinson, further consideration of the bill, was indefinitely postponed.

Mr. Henderson moved that the Senate reconsider the vote by which it just indefinitely postponed the bill, and then moved to table the motion to reconsider. The motion to table prevailed.

The bill:

H. 646. To submit to the qualified electors of Alabama an amendment to the constitution of Alabama providing that at any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.

Was read a third time at length as required by the constitution and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Garrett	Lawson	Shaver	
Benson	Henderson	McCary	Sherrer	
Black	High	Pinson	Smith	
Carlton	Hill	St. John (Cullman)	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Dodson	Kilborn			—21

Nays:

—0

The bill:

H. 231. To amend Section 21 of Title 30 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Henderson	McCary	Smith	
Black	High	Pinson	Toomer	
Carlton	Hill	St. John (Cullman)	Walton	
Cater	Hornsby	St. John (Lawrence)		—22

Nays:

—0

The bill:

H. 764. To authorize the Governor of the State of Alabama to contract with the Harrison Company, the Michie Company, and West Publishing Company, on such terms, conditions, and at such prices as appear proper, to digest, compile, annotate, index and print in pocket supplement form for insertion in the 1940 Code of Alabama, all acts of the Legislature of Alabama, passed since July 2, 1940, to authorize the purchase of not exceeding five thousand



sets of said supplements and to appropriate the necessary funds for carrying out the purposes of this act.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	High	McCary	Smith
Carlton	Hill	St. John (Cullman)	Walton

—19

*Nays:*

—0

The bill:

H. 152. To amend Section 216 of Title 61 of the Code of Alabama, of 1940.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend Section 1 of House Bill 152 by adding at the end of said section the following words:

“provided a jury is demanded by either of the parties”.

Mr. Smith offered the following substitute for the bill and committee amendment, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 216 of Title 61 of the Code of Alabama of 1940.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 216 of Title 61 of the Code of Alabama of 1940 be and the same is hereby amended so as to read as follows:

“Section 216. When claim disputed ether party may demand hearing. The personal representative of the estate of a decedent may give notice in writing to the clamant, or anyone having a beneficial interest in a claim against the estate, that such claim is disputed in whole or in part, if in part specifying the part disputed; thereupon the judge of the court having jurisdiction of the administration of the estate shall, on written application of either the personal representative or the claimant, hear and pass on the

validity of such claim, or part thereof, first giving ten days' notice of such hearing to the interested parties. If the claimant in such proceeding shall fail to recover upon the disputed part of such claim, he shall be taxed with the costs thereof. This section shall not apply to claims against estates declared insolvent.

If the judgment on any such claim is rendered by a Probate Court, either party may within thirty days after the rendition of such judgment appeal to the Circuit Court of the county in which the administration of said estate is pending, and the trial of the validity of said claim in said Circuit Court shall be de novo and upon demand, of either party, filed in the Circuit Court within thirty days from the taking of said appeal shall be tried by a jury.

If the administration of an estate in which a claim is disputed is pending in the Circuit Court, or Court of similar jurisdiction, the trial of the validity of said claim shall be by jury upon demand of either party filed within thirty days after written notice that the claim is disputed.

In any event either party may appeal to the Supreme Court or Court of Appeals, as the case may be, from the judgment of the Circuit Court or court of similar jurisdiction, such appeal to be taken within thirty days, and as other appeals are taken."

Section 2. This Act shall apply to all claims heretofore or hereafter filed against any estate.

And the substitute for the bill and committee amendment, was then adopted.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	McCary	Smith
Bradford	High	Pinson	Walton
Carlton	Hill		

—21

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Henderson	McCary	Smith
Black	High	Pinson	Toomer
Bradford	Hill	St. John (Cullman)	Walton
Carlton	Hornsby		

—21

*Nays:*

—0

The bill:

H. 807. To provide for the nomination and election of a County Board of Education of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of such Board.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Lawson	Sherrer
Benson	Dodson	Madison	Simpson
Bentley	Goodwin	McCary	Smith
Black	Henderson	Pinson	Taylor
Bradford	Hill	St. John (Cullman)	Toomer
Carlton	Kilborn	Shaver	Walton

—23

Nays:

—0

The bill:

H. 806. To provide for the nomination and election of a Commissioners Court of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of said Commissioners Court.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Lawson	Sherrer
Benson	Dodson	Madison	Simpson
Bentley	Goodwin	McCary	Smith
Black	Henderson	Pinson	Taylor
Bradford	Hill	St. John (Cullman)	Toomer
Carlton	Kilborn	Shaver	Walton

—23

Nays:

—0

The bill:

H. 524. To repeal Section 271 of Title 28 of the Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Henderson	Lawson	Shaver
Bentley	High	McCary	Sherrer
Bradford	Hill	Newton	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton
Cater			

—20

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 271. To amend Section 54, 90, 92, 103, 111, 127, 159, 174, 197, 309, 333, 361, 432, and 433 of Title 52 of the Code of Alabama of 1940, all of which relate to public education in Alabama.

Also:

H. 391. To Amend Section 117 of Title 28, Code of Alabama of 1940.

Also:

H. 520. To amend Section 463, Title 51 of the Code of 1940.

Also:

H. 621. To confer additional powers on water works boards organized under Sections 394 to 402 of Title 37 of the Code of Alabama of 1940

R. T. Goodwyn, Jr.,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

To the Senate of Alabama  
Montgomery, Alabama

Gentlemen:

Under the provisions of Act No. 273, S. B. No. 349, approved June 24, 1943, I am today appointing, subject to your approval, JOHN H. GARRETT, of Center, Alabama, as President of the Board of Revenue of Cherokee County, Alabama.

Respectfully,

CHAUNCEY SPARKS,  
Governor.

JUNE 25, 1943

## GOVERNOR'S MESSAGE

On motion of Mr. Cobb, the Senate concurred in the appointment of His Excellency, the Governor, of John H. Garrett, as President of the Board of Revenue of Cherokee County, which appointment is set out in the foregoing Message from the Governor, to-wit:

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Benson	Garrett	Kilborn	Simpson	
Bentley	Henderson	Lawson	Taylor	
Black	High	Madison	Toomer	
Cater	Hill	St. John (Cullman)	Walton	
Cobb	Hornsby	St. John (Lawrence)		—22

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Boswell:

H. 705. To amend Section 333, of Title 55, of the Code of 1940. To provide for an additional member thereof, and to fix and provide for his compensation.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 705, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Hankins:

H. 507. To amend Section 710, Title 51, of the Code of Alabama of 1940.

Also:

By Mr. Locke:

H. 536. To Amend Section 122 of Title 41 of the Code of Alabama of 1940.

Also:

By Mr. Stewart:

H. 232. To permit persons in the military service of the United States during time of war to hunt and fish without a license.

Also:

By Mr. McGinty:

H. 183. To Amend Section 55 of Title 8 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 507 and H. 536, to the Committee on Finance and Taxation.

H. 232 and H. 183, to the Committee on Fish and Game.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal governmental agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cobb, the Senate concurred in the following House amendment to the bill, S. 156, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Sec. 2 by substituting, after the words "sixty days" the following:

"After the termination of hostilities between the United States and Germany or Japan, whichever shall be the later."

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	St. John (Lawrence)
Benson	Henderson	Madison	Sherrer
Black	High	McCary	Simpson
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Kelly		

—21

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	St. John (Lawrence)
Bentley	Hill	Madison	Sherrer
Black	Hornsby	McCary	Simpson
Carlton	Kelly	Pinson	Toomer
Cater	Kilborn	St. John (Cullman)	Walton
Cobb			

—20

*Nays:*

—0

## REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution, and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 76. Be it Resolved by the House of Representatives, the Senate concurring that when the two Houses adjourn today, they adjourn to meet again on Monday, June 28th, 1943.

And the resolution was then adopted by the Senate.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Sam High,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate, present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Montgomery, Alabama

Gentlemen:

I am herewith returning to you, the body in which this bill originated, Senate Bill No. 365, without my approval.

I suggest the following Executive Amendments which, if adopted, will remove my objection to said bill:

Amend the caption of said bill by adding at the end of said caption the following:

"; provided that only fifty percent (50%) of fines collected for violation of traffic laws, which under the General Law go to the Department of Public Safety, shall be paid into the General Fund of Tuscaloosa County."

Amend Section 1 of said bill by adding at the end thereof the following:

"; provided however that only fifty percent (50%) of fines collected for violation of the traffic laws, which fines under general statute go to the Department of Public Safety, shall be paid into the General Fund of Tuscaloosa County."

Amend Section 2 of said bill by adding at the end thereof the following:

", and this Act shall expire June 1, 1945."

Respectfully,

CHAUNCEY SPARKS,  
Governor.

JUNE 25, 1943.

## GOVERNOR'S MESSAGE

On motion of Mr. Madison, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, which said amendment is set out in the foregoing Message from the Governor, to the bill, to-wit:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Black	Cater	Garrett
Benson	Bradford	Cobb	Henderson
Bentley	Carlton	Dodson	High



# REGULAR SESSION

1337

Hill	Kilborn	Sherrer	Taylor
Hornsby	Lawson	Simpson	Toomer
Kelly	Madison	Smith	Walton

—23

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Sherrer
Benson	Cobb	Hornsby	Simpson
Bentley	Dodson	Kelly	Smith
Black	Garrett	Kilborn	Taylor
Bradford	Henderson	Lawson	Toomer
Carlton	High	Madison	Walton

—23

*Nays:*

—0

## BILLS ON THIRD READING RESUMED

The bill:

H. 248. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	St. John (Lawrence)
Benson	Cobb	Kilborn	Shaver
Bentley	Dodson	Madison	Sherrer
Black	High	McCary	Simpson
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer

—23

*Nays:*

—0

The bill:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	Shaver
Benson	Garrett	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kilborn	St. John (Lawrence)	Walton

—27

*Nays:*

—0

The bill:

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30, 1944 and September 30, 1945.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	Shaver
Benson	Garrett	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Taylor
Bradford	Hill	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton
Cater	Kilborn	St. John (Lawrence)	

—26

*Nays:*

—0

The bill:

H. 538. To amend Section 69 of Title 36 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hornsby	Newton	Toomer
Cater	Kelly	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 539. To amend Section 632 of Title 51 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	St. John (Lawrence)
Benson	Garrett	Madison	Shaver
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Bradford	Hornsby	Pinson	Toomer
Carlton	Kelly	St. John (Cullman)	Walton
Cater	Kilborn		

—25

*Nays:*

—0

The bill:

H. 723. To amend Section 308, Title 55, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Cullman)
Benson	Garrett	Lawson	Shaver
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hornsby	Newton	Taylor
Carlton	Kelly	Pinson	Walton
Cater			

—24

*Nays:*

—0

The bill:

H. 724. To amend Section 301 of Title 55 of the Code of Alabama of 1940.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Sec. 1. H. B. 724 by inserting immediately after the words "commission and elected officer and" where same appear in the fourth line on page 2, these additional words:

"when requested by the Governor"

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Bradford	Cater
Benson	Black	Carlton	Dodson

Garrett	Kilborn	Pinson	Simpson	
Henderson	Madison	St. John (Cullman)	Smith	
High	McCary	St. John (Lawrence)	Taylor	
Hornsby	Newton	Shaver	Walton	
Kelly				—25
<i>Nays:</i>				—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

<i>Yeas:</i>				
Messrs.:	Cater	Kilborn	Shaver	
Benson	Dodson	Madison	Simpson	
Bentley	Henderson	Newton	Smith	
Black	High	Pinson	Taylor	
Bradford	Hornsby	St. John (Cullman)	Toomer	
Carlton	Kelly	St. John (Lawrence)	Walton	—23
<i>Nays:</i>				—0

The bill:

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Be It Enacted By The Legislature Of Alabama:

Section 1. That there is hereby created a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area. That the objects and purposes of said Sub-Agricultural Experiment Station shall be to conduct investigations or make experiments bearing directly on the production, manufactures, preparation, use, distribution, and marketing of agricultural products, including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and social investigations as

have for their purposes the development and improvement of the the rural home and rural life; and for the printing and dissemination of the results of said researches.

Section 2. That the counties of the State of Alabama constituting the Upper Coastal Plains Area are the counties of Franklin, Marion, Winston, Lamar, Fayette, Walker, Pickens, Tuscaloosa, Hale, Bibb, Perry, Chilton, and Autauga.

Section 3. That the Director of the Agricultural Experiment Station and the Director of the Agricultural Extension Service of the Alabama Polytechnic Institute and the Director of Vocational Education of the Alabama Department of Education shall visit and study in detail the Upper Coastal Plains Area, giving special emphasis to the character and type of the soil which would be most typical and representative of the region, and including such other important items as convenience of location and accessibility all with the view of making the result of the research work most helpful and most useful to the agriculture of the area. No property shall be accepted for any of the purposes of this Act until its suitability therefor has been approved in writing by the Director of the Agricultural Experiment Station of the Alabama Polytechnic Institute. This approval shall be certified to the State Comptroller by the said Director, along with a certificate that not less than 500 acres of such suitable land has been donated to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this Act, before any of the monies hereinafter appropriated to the Board of Trustees of the Alabama Polytechnic Institute for the purpose of creating and establishing said Sub-Agricultural Experiment Station shall be released by him to the Board of Trustees of the Alabama Polytechnic Institute for such purposes.

Section 4. That said Sub-Agricultural Experiment Station shall be created or established during the fiscal year beginning October 1, 1943. If for any valid reason it cannot be established during said fiscal year, it may be established during any subsequent fiscal year. That there is hereby appropriated out of the State Treasury for each of the fiscal years ending September 30, 1944, and September 30, 1945, to the Board of Trustees of the Alabama Polytechnic Institute for the purpose of creating and establishing said Sub-Agricultural Experiment Station, the sum of Thirty Thousand Dollars (\$30,000.00); there is hereby further appropriated out of the State Treasury for the fiscal year ending September 30, 1944, and for each and every year thereafter, to the Board of Trustees of the Alabama Polytechnic Institute for the maintenance of said Sub-Agricultural Experiment Station the sum of Fourteen Thousand and Nine Hundred Dollars (\$14,900.00); Provided, that the sums hereby appropriated shall be paid only on the approval of the Governor who, as the State of the Treasury, in his opinion, may warrant, may approve the same, in whole or in part, from time to time.

Section 5. That all research work as proposed by the spirit and purpose of this Act shall be carried out under the supervision of the Director of the Agricultural Experiment Station of the Alabama Polytechnic Institute who shall make at the end of each fiscal year a full and complete report to the President of the Alabama Polytechnic Institute on the work and expenditures of said Experiment Station.

Section 6. That county board of revenue or county commissioners, or other bodies having similar jurisdiction, in any county in the Upper Coastal Plains Area and any municipality in said area shall have full power and authority to appropriate funds for any of the purposes of this Act. That the Board of Trustees of the Alabama Polytechnic Institute is hereby authorized and empowered to receive such donations, as well as donations from individuals, firms, organizations, corporations, and companies for forwarding the purposes of this Act, provided that any land so donated shall be conveyed to the Alabama Polytechnic Institute in fee simple. Any county or counties in which said Sub-Station shall be located, is/are hereby authorized to borrow any sum of money needed for the purchase of lands therefor, at a rate of interest not to exceed five per cent per annum, payable over a period of not to exceed ten years and to pledge any part of its or their general funds to the payment thereof.

Section 7. Any revenue derived from the sale of crops, animals, fruits, or vegetables, or other proceeds secured from the operation of said Sub-Agricultural Experiment Station or the sale of any equipment shall apply to any of the lines of work authorized by this act on the sub-station from which such sales are made.

Section 8. In the event any lands are approved by the Director of the Agricultural Experiment Station of the Alabama Polytechnic Institute as suitable for said Sub-Agricultural Experiment Station, and any county, city, or person is willing to pay the purchase price of said property that it may be devoted to such public use and the person owning the same is unwilling to convey the same to the Alabama Polytechnic Institute at a reasonable purchase price, the Governor may proceed to have the same condemned for such public use in the name of the State of Alabama as provided in Chapter 1 of Title 19 of the Code Alabama of 1940, provided, however, that no condemnation process herein authorized shall be begun until the county, city, or person undertaking to pay the purchase price shall have entered into an agreement, prepared by the Attorney General, to promptly pay all judgments, costs, and expenses of such condemnation proceedings and shall have given bond in some bonding company authorized to do business in the State of Alabama, to faithfully and promptly execute the said agreement. The agreement for which provision is made in this act shall be filed with the Governor and the bond required shall be filed therewith and be approved by the Governor.

Section 9. That it is hereby declared to be the intention and purpose of the Legislature in passing this act to have the Sub-Agricultural Experiment Station hereby created, conducted, maintained, and administered for the same purposes and in the same manner and by the same authorities as are the Sub-Agricultural Experiment Stations created and maintained pursuant to the provisions of an act entitled "An Act for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishments and improvement of pastures, the production of feed and forage crops, the economic production and management of livestock, the production of fruits, vegetables, nuts, and citrus fruit, the control of insect pests, plant and livestock diseases, and other similar important agricultural and economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of Sub-Agricultural Experiment Stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass, and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue or county commissions, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations, "approved September 10, 1927.

Section 10. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Bensor	Garrett	Madison	Simpson
Bentley	Henderson	McCary	Smith
Black	High	Newton	Taylor
Bradford	Hornsby	St. John (Cullman)	Toomer
Carlton	Kelly	St. John (Lawrence)	Walton
Cobb			

*Nays:*



And said bill, as thus amended by the substitute, was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	Shaver
Benson	Garrett	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton
Cobb	Kilborn		

—29

*Nays:*

—0

The bill:

H. 198. To provide for the correction of marriage applications, licenses and certificates by the Judge of Probate and prescribe the notice and proof required.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Madison	Sherrer
Benson	Henderson	McCary	Simpson
Bentley	High	Pinson	Smith
Black	Hill	St. John (Cullman)	Taylor
Bradford	Hornsby	St. John (Lawrence)	Toomer
Carlton	Kelly	Shaver	Walton
Cater	Lawson		

—25

*Nays:*

—0

The bill:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from federal vocational funds; to validate payments heretofore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Bradford	Cobb
Benson	Black	Carlton	Dodson

Henderson	Kilborn	Pinson	Taylor
Hill	Lawson	St. John (Cullman)	Toomer
Hornsby	Madison	St. John (Lawrence)	Walton
Kelly	McCary		

—21

Nays:

—0

The bill:

H. 29. To Amend Section 47 of Title 60 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Dodson	Lawson	Sherrer
Benson	Henderson	Madison	Simpson
Bentley	High	McCary	Smith
Black	Hill	Pinson	Taylor
Bradford	Hornsby	St. John (Lawrence)	Toomer
Cater	Kelly	Shaver	Walton
Cobb	Kilborn		

—25

Nays:

—0

The bill:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

Was taken up.

Mr. Shaver offered the following amendment to the bill, to-wit:

Amend Senate Bill 391 by striking the figure \$5700 where the same appears in Section 2 and substituting in lieu thereof the figure \$5250.

And on motion of Mr. Henderson said amendment was laid on the table.

Yeas, 14; Nays, 13.

Yeas:

Messrs.:	Dodson	Madison	Smith
Benson	Henderson	McCary	Toomer
Bentley	Kelly	St. John (Cullman)	Walton
Black	Lawson	St. John (Lawrence)	

—14

Nays:

Messrs.:	Cobb	Kilborn	Sherrer
Bradford	High	Pinson	Simpson
Carlton	Hill	Shaver	Taylor
Cater	Hornsby		

—13

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Shaver
Benson	Dodson	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton

—27

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Boswell:

H.J.R. 6. WHEREAS the present Constitution of Alabama has been in effect for more than Forty-One Years; and

WHEREAS the original Constitution has Forty-One amendments thereto; and

WHEREAS much of the present Constitution as amended is contradictory, confusing and obsolete; and

WHEREAS the Governor and members of the Legislature have advocated certain constitutional changes; and

WHEREAS it is to the interest of the citizens of the State of Alabama that a commission be created for the purpose of inquiring into the subject of constitutional revision and of suggesting to the Governor and the Legislature changes in the articles of the present Constitution of the State and to report to the Governor and the Legislature recommendations in the form of proposed changes in the Constitution together with the reasons upon which said recommended changes are founded; now therefore

BE IT RESOLVED by the House of Representatives of the Legislature of the State of Alabama, the Senate concurring:

1. There is hereby created a commission consisting of eleven members which shall be named and appointed as follows:

The Chief Justice of the Supreme Court of Alabama shall be the chairman of said commission, who shall be its presiding and executive officer.

One member from the State at large shall be appointed by the Governor.

Five members of the House of Representatives shall be appointed by the Speaker of the House.

Four members of the Senate shall be appointed by the President of the Senate.

There shall be one member of the Legislature appointed on said

commission from each congressional district of the State of Alabama.

The members shall not receive any compensation for their services, but shall be paid their actual expenses during attendance of the meetings of the commission.

2. Before the final adjournment of the 1943 session of the Legislature, the Governor, the President of the Senate and the Speaker of the House of Representatives shall make their respective appointments under this joint resolution.

3. Within five day after the effective date of this joint resolution, the chairman shall call a meeting of the appointed members who shall organize for the performance of their duties.

Seven members of the commission shall constitute a quorum and the majority of the quorum may act for the commission.

4. The commission shall be charged with the duty of inquiring into the subject of constitutional revision and of suggesting in what respects the Constitution of Alabama should be changed and make recommendations to provide for the more effective working of present-day representative processes, and the apportionment of representation in the Legislature of Alabama.

5. The commission is authorized to hold hearings, call witnesses and to draft necessary legal and clerical assistance from such State departments as may be required. It shall also have authority to engage and appoint a secretary, not of its own number, and such competent and expert advisors and clerical and stenographic assistants as it may deem necessary to the proper accomplishments of the purpose of this joint resolution; provided, that the compensation to be paid such assistants shall at all times be within the limit of the appropriation hereby made.

6. The commission shall report not later than sixty days before the first Tuesday in May 1945 to the Governor the result of its study and report of its work, which report together with the recommendations or criticisms of the Governor shall be by him transmitted to the Legislature on the first Tuesday in May 1945.

7. For the purpose of carrying into effect this joint resolution there is hereby appropriated the sum of Ten Thousand (\$10,000) Dollars or so much thereof as may be necessary.

8. This joint resolution shall take effect immediately.

9. In case of any vacancy on the commission by death, resignation or otherwise, such vacancy shall be filled by the original appointing power.

10. If any section, paragraph or part of this Joint Resolution is declared or held to be unconstitutional, the same shall not void or affect the remaining sections, paragraphs or parts thereof.

And sends same to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The resolution H. J. R. 6, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of the sale of United States War Bonds and stamps, and to limit its expenditures.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred and adopted the Senate amendment to the bill.

H. 152. To amend Section 216 of Title 61 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

Mr. Walton moved that the Senate take a recess until 2 o'clock this afternoon.

Mr. St. John (Cullman) moved to lay the motion to recess on the table, which motion was lost.

Yeas, 11; Nays, 14.

*Yeas:*

Messrs.:	High	McCary	Shaver	
Cater	Kelly	Pinson	Simpson	
Dodson	Lawson	St. John (Cullman)	Toomer	—11

*Nays:*

Messrs.:	Bradford	Kilborn	Smith	
Benson	Carlton	Madison	Taylor	
Bentley	Hill	St. John (Lawrence)	Walton	
Black	Hornsby	Sherrer		—14

Mr. St. John (Cullman) moved that the Senate do now adjourn until Monday, June 28, 1943, at 10 o'clock A. M., which motion was lost.

Yeas, 9; Nays, 18.

*Yeas:*

Messrs.:	Hornsby	McCary	St. John (Cullman)	
Dodson	Kelly	Pinson	Toomer	
High	Lawson			—9

*Nays:*

Messrs.:	Carlton	Kilborn	Simpson	
Benson	Cater	Madison	Smith	
Bentley	Garrett	St. John (Lawrence)	Taylor	
Black	Henderson	Shaver	Walton	
Bradford	Hill	Sherrer		—18

RECESS

The question then recurred on the motion of Mr. Walton to recess until 2 o'clock this afternoon, and at 12:50 P. M., the Senate did take a recess until 2 o'clock this afternoon.

FIFTY-THIRD DAY—AFTERNOON SESSION

Friday, June 25, 1943.

The Senate re-assembled at 2:00 o'clock P. M., Lieutenant-Governor Ellis, presiding.

ROLL CALL

Present:

Messrs.:	Cobb	Kilborn	Sherrer	
Bentley	Garrett	Madison	Simpson	
Black	Henderson	McCary	Smith	
Bradford	High	Newton	Taylor	
Carlton	Hill	St. John (Lawrence)	Walton	
Cater	Hornsby	Shaver		—22

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Also:

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Also:

S. 374. To amend Sections 3 and 5 of an act entitled "An act to create the office of County Solicitor for Baldwin County, Alabama, to provide the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

R. T. Goodwyn, Jr.,  
Clerk.

#### BILLS ON THIRD READING

The bill:

H. 474. To require the Judge of Probate, for the purpose of issuing motor vehicle and driver's licenses, the Tax Collector, for the purpose of collecting ad valorem taxes on motor vehicles, and the Tax Assessor for the purpose of assessing motor vehicles for ad valorem taxation in all counties in this State having a population of not less than 140,000 and not more than 300,000, according to the last or any subsequent Federal census, to maintain in addition to the office now maintained by them in the Court House of such County other offices elsewhere in such County for a period not to exceed thirty days in any calendar year; to provide for additional office space, supplies and equipment for such offices and to provide for the appointments of clerks and assistants to perform such additional duties.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Cater	McCary	Simpson	
Bentley	Cobb	Newton	Smith	
Black	Garrett	St. John (Lawrence)	Taylor	
Bradford	Kilborn	Shaver	Walton	
Carlton	Madison	Sherrer		—18

Nays:

—0

The bill:

H. 540. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing, any building or structure in each county of the State of Alabama having a population of not less than 140,000, not more than 300,000, accord-

ing to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	McCary	Simpson	
Bentley	Cobb	Newton	Smith	
Black	Garrett	St. John (Lawrence)	Taylor	
Bradford	Kilborn	Shaver	Walton	
Carlton	Madison	Sherrer		—18

*Nays:*

—0

The bill:

H. 213. To amend Section 1 of "An Act to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama, or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated", approved September 11, 1939.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	McCary	Simpson	
Bentley	Cobb	Newton	Smith	
Black	Garrett	St. John (Lawrence)	Taylor	
Bradford	Kilborn	Shaver	Walton	
Carlton	Madison	Sherrer		—18

*Nays:*

—0

The bill:

H. 55. To repeal Section 149 of Title 52 of the Code of Alabama, 1940.

Was read a third time at length and passed.



Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer
Bentley	High	McCary	Simpson
Bradford	Hill	Newton	Smith
Carlton	Hornsby	St. John (Lawrence)	Taylor
Cobb	Kilborn	Shaver	Walton
Garrett			

—20

*Nays:*

—0

The bill:

H. 801. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	McCary	Simpson
Bentley	Cobb	Newton	Smith
Black	Garrett	St. John (Lawrence)	Taylor
Bradford	Kilborn	Shaver	Walton
Carlton	Madison	Sherrer	

—18

*Nays:*

—0

The bill:

H. 787. To authorize and empower the City of Gadsden, Etowah County, Alabama, to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows: A tract of land described as beginning at a point where the Southwest line of Locust Street intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street; thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the Southwest Quarter, lying West of Coosa River, in Section 3 and portions of the SE¼ of the SE¼ in Section 4, all in Township

12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;" and, in the event of any such sale or lease of any part of parts thereof to the United States of America, or to any bureau, department or agency thereof, to authorize such City to accept a nominal consideration for such lease or conveyance; and to ratify, confirm and validate any such lease or conveyance executed by such City prior to the passage and approval of this Act.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton
Bentley	Cobb	Hornsby	St. John (Lawrence)
Black	Garrett	Kilborn	Taylor
Bradford	Henderson	Madison	Walton
Carlton	High	McCary	

—18

*Nays:*

—0

The bill:

H. 93. TO AMEND SECTION 254 OF TITLE 13 OF THE ALABAMA CODE OF 1940.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H.B. 93 by striking therefrom Section 1 and substituting in lieu thereof the following:

Section 1. Section 254 of Title 13 of the Code of Alabama of 1940 is hereby amended to read as follows:

Section 254. Deputy Solicitors of the 13th Judicial Circuit. There may be appointed by the Circuit Solicitor of the 13th Judicial Circuit two Deputy Circuit Solicitors who shall serve in lieu of all other Assistant Circuit Solicitors heretofore provided for said Circuit. The Deputy Circuit Solicitors herein provided for shall serve at the pleasure of the Circuit Solicitor. One shall be paid an annual salary by the State in the amount of \$3,000.00 and one shall be paid an annual salary by the State in the amount of \$2,400.00, payable as the salaries of other State Officers are paid. At the time of their appointment the Circuit Solicitor shall designate which Deputy Circuit Solicitor shall receive which salary. A continuing appropriation of \$5,400.00 shall be made annually for the payment of the salaries of the two Assistant Circuit Solicitors provided in this Act, which shall be in lieu of all other appropriations heretofore

made for the salary of Deputy Circuit Solicitors for the 13th Judicial Circuit.

The Deputy Circuit Solicitors of the 13th Judicial Circuit shall not be subject to the provisions of sub-section 12 of Section 229 of Title 13 of the Code of Alabama of 1940.

Which was adopted.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Bradford	Hornsby	St. John (Lawrence)	Taylor
Carlton	Kilborn	Shaver	Walton
Garrett			

—20

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Bradford	Hornsby	St. John (Lawrence)	Taylor
Carlton	Kilborn	Shaver	Walton
Garrett			

—20

*Nays:*

—0

The bill:

H. 774. To amend Sec. 89 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Madison	Simpson
Bentley	High	McCary	Smith
Bradford	Hill	Newton	Taylor
Carlton	Hornsby	St. John (Lawrence)	Walton
Garrett	Kilborn	Shaver	

—18

*Nays:*

—0

The bill:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and

install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cobb	Hornsby	St. John (Lawrence)	Walton	—19

*Nays:*

—0

The bill:

H. 790. To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton	
Bentley	Cobb	Hornsby	St. John (Lawrence)	
Black	Garrett	Kilborn	Taylor	
Bradford	Henderson	Madison	Walton	
Carlton	High	McCary		—18

*Nays:*

—0

The bill:

H. 789. To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton	
Bentley	Cobb	Hornsby	St. John (Lawrence)	
Black	Garrett	Kilborn	Taylor	
Bradford	Henderson	Madison	Walton	
Carlton	High	McCary		—18

*Nays:*

—0

The bill:

H. 767. TO PROVIDE for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day during each week, in Counties having a population of not less than sixty thousand (60,000), nor more than seventy (70,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

Was taken up.

The Standing Committee on County and County Boundaries reported the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day during each week in Counties having a population of not less than Fifty Four thousand (54,000), nor more than sixty-Four (64,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties now having a population of not less than Fifty Four thousand (54,000) nor more than Sixty-Four thousand (64,000), according to the last Federal census, the County Offices in the Court Houses may be closed at twelve o'clock (noon) one day during each week and the Boards of Revenue, or like governing bodies, of such Counties are hereby authorized to designate and determine the day during each week when such offices may be closed as provided for herein.

Section 2. This act shall take effect immediately upon its approval by the Governor.

Which was adopted.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:  
Bentley  
Black

Bradford  
Carlton  
Cobb

Garrett  
Henderson  
High

Hill  
Hornsby  
Kilborn

Madison  
McCary  
Newton

St. John (Lawrence) Simpson  
Shaver Smith

Taylor  
Walton

—20

Nays:

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:  
Bentley  
Black  
Bradford  
Cobb

Garrett  
Henderson  
High  
Hill  
Hornsby

Kilborn  
Madison  
McCary  
Newton  
St. John (Lawrence)

Shaver  
Simpson  
Smith  
Taylor  
Walton

—19

Nays:

—0

The bill:

S. 422. To authorize and empower the governing bodies, of counties which now have or may hereafter have a population of more than 140,000 and less than 500,000 according to the last or any subsequent Federal census, to pay moral obligations against the county incurred for a public purpose and which in equity and good conscience should be paid, but for the payment of which as a claim against the county no warrant of law otherwise exists; to place in the discretion of the governing body of the county the determination of whether or not the obligation be a moral one that should be paid in equity and good conscience, such discretion not to be subject to review, provided the obligation was incurred for a public purpose; to state illustratively, but not exclusively, what shall be deemed public purposes within the intendment of this Act; and to make applicable the power and authority, conferred by this Act, as well to obligations incurred before as after the passage of this Act.

Was read a third time at length and lost.

Yeas, 0; Nays, 19.

Yeas:

—0

Nays:

Messrs.:  
Bentley  
Black  
Bradford  
Carlton

Cobb  
Garrett  
Henderson  
High  
Hill

Hornsby  
Kilborn  
Madison  
Newton  
St. John (Lawrence)

Shaver  
Simpson  
Smith  
Taylor  
Walton

—19

The bill:

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton
Bentley	Cobb	Hornsby	St. John (Lawrence)
Black	Garrett	Kilborn	Taylor
Bradford	Henderson	Madison	Walton
Carlton	High	McCary	

—18

*Nays:*

—0

The bill:

H. 797. To create and establish a Board of Revenue in and for Jackson County, Alabama, to be composed of five members, one of whom shall be Chairman of said Board; to fix the qualifications of the Chairman and other members of said Board; to abolish the Court of County Commissioners of Jackson County; Alabama; to designate the manner of constituting, selecting and appointing the first board to hold office hereunder, and providing for the appointment of the first chairman of the said Board by the Governor; to fix the term of office of the first board holding office hereunder, and their successors in office, to provide for filling vacancies therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members thereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to courts of County Commissioners, Boards of Revenue or other governing bodies of like name and authority in this State not in conflict or antagonistic to the jurisdiction, powers and authority conferred by this Act; to authorize the said Board of Revenue to employ a clerk and a supervisor of roads and bridges for the County and to fix the duties, qualifications and compensation of such clerk and supervisor of roads and bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal Judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said County, providing re-

ports from courts of said County, providing meeting place and time of meeting of said Board, regulating all purchases made by said Board and the expenditure of County funds, to provide for the election of all members of said Board at the expiration of the term of office of the first board constituted hereunder.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton	
Bentley	Cobb	Hornsby	St. John (Lawrence)	
Black	Garrett	Kilborn	Taylor	
Bradford	Henderson	Madison	Walton	
Carlton	High	McCary		—18

*Nays:* —0

The bill:

H. 788. To fix the salary of the Deputy Solicitor of Lamar County, Alabama and to prescribe the method of Payment.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton	
Bentley	Cobb	Hornsby	St. John (Lawrence)	
Black	Garrett	Kilborn	Taylor	
Bradford	Henderson	Madison	Walton	
Carlton	High	McCary		—18

*Nays:* —0

The bill:

H. 791. To provide additional duties for county solicitors of all counties having a population of not less than 64,00 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Madison	Simpson	
Bentley	Henderson	McCary	Smith	
Bradford	High	Newton	Taylor	
Carlton	Hornsby	St. John (Lawrence)	Walton	
Cobb	Kilborn	Shaver		—18

*Nays:* —0



The bill:

H. 715. To provide that all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, shall be known as Class "D" Cities; to provide the name by which the chief executive officer of each of such cities shall be known; and to provide that the chief executive officer of each of such cities shall be authorized and empowered to perform services for any agency or board of such city in addition to the duties required of him as such chief executive officer.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Madison	Simpson	
Bentley	Henderson	McCary	Smith	
Bradford	High	Newton	Taylor	
Carlton	Hornsby	St. John (Lawrence)	Walton	
Cobb	Kilborn	Shaver		—18

*Nays:* —0

The bill:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies, boards, bureaus and commissions of the State to expend the necessary funds for carrying out the provisions of such contracts.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Henderson	Madison	Simpson	
Black	High	McCary	Smith	
Bradford	Hill	Newton	Taylor	
Carlton	Hornsby	St. John (Lawrence)	Walton	
Cobb				—20

*Nays:* —0

The bill:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.

Was taken up.

Mr. Carlton offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 403.

Amend Section 1 of said bill by striking out the following words where they occur together therein, "the Court shall order the same to be repaid by the State or its agencies receiving same as provided in the succeeding Section," and insert in lieu thereof the following words: "the same shall be refunded as provided in the succeeding Section."

Which was adopted.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cobb	Hornsby	St. John (Lawrence)	Walton	—19

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Kilborn	Shaver	
Bentley	Henderson	Madison	Simpson	
Black	High	McCary	Smith	
Bradford	Hill	Newton	Taylor	
Carlton	Hornsby	St. John (Lawrence)	Walton	—20
Cobb				

*Nays:*

—0

The bill:

H. 440. To amend Section 481, Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Black	Carlton	Cobb
Bentley	Bradford	Cater	Garrett

Henderson	Kilborn	St. John (Lawrence)	Smith	
High.	Madison	Shaver	Taylor	
Hill	McCary	Simpson	Walton	
Hornsby				—20
Nays:				—0

Mr. St. John (Lawrence) moved that the Senate do now adjourn, which motion was lost.

Yeas, 5; Nays, 13.

Yeas: Messrs. Garret, St. John (Lawrence), Simpson, Smith and Walton —5

Nays:

Messrs.:	Carlton	Hill	Madison	
Bentley	Cater	Hornsby	Shaver	
Black	Cobb	Kilborn	Taylor	
Bradford	Henderson			—13

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Bennett (of Barbour):

H. 456. To provide for the employment of and to fix the salary of the probate clerks in those counties having two court-houses, in which the probate judge is required to maintain a branch office, and to authorize the county to pay such salary at the election of the governing body of the county.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 456, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

By Mr. Madison:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when col-

lected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect; provided that only fifty percent (50%) of fines collected for violation of traffic laws, which under the General Law go to the Department of Public Safety, shall be paid into the General Fund of Tuscaloosa County."

By a majority of the whole number elected to the House, the vote being: Yeas, 69; Nays, 0.

And said bill, S. 365, as amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 69; Nays, 0.

And said bill, S. 365, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifty-third day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the fifty-third day approved by the Senate.

#### ADJOURNMENT

At 3:40 P. M., on motion of Mr. Carlton and in accordance with joint resolution heretofore adopted, the Senate adjourned until Monday, June 28, 1943, at 10 o'clock A. M.

## FIFTY-SIXTH DAY

(The Senate was not in session on the fifty-fourth and fifty-fifth days.)

Monday, June 28, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The Session was opened with prayer by Dr. R. C. Edge, of the Capitol Heights Baptist Church, Montgomery.

## ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	Walton

—31

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal for the fifty-third day was dispensed with and same approved by the Senate.

## BILL ON THIRD READING

The bill:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction in cases at law and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

Was taken up.

Mr. Hill offered the following amendment to the bill, to-wit:

Amend House Bill No. 76 by adding the following words after the word "jurisdiction" in the title: "And all other courts of Record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Ala-

bama" and by adding the following words after the word "jurisdiction" in the second line of Section 1: "and all other Courts of Record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama."

Which was adopted.

Yeas, 17; Nays, 2.

*Yeas:*

Messrs.:	Cobb	Henderson	Kilborn	
Benson	Dodson	High	Newton	
Bradford	Espy	Hill	St. John (Lawrence)	
Carlton	Garrett	Hornsby	Smith	
Cater	Goodwin			—17

*Nays:* Messrs.: Simpson and Walton

—2

Mr. Hill also offered the following amendment to the bill, to-wit:

Amend House Bill No. 76 by adding thereto, between Sections 4 and 5, the following:

Section 4½. The term "court reporters" as used in this Bill shall mean any person who shall be received and accepted by the court during the trial of a case, with the duty to transcribe the testimony of witnesses in shorthand or stenotype notes for the purpose of preserving the testimony, whether such court reporter shall be an official reporter or not; any court reporter failing to transcribe and file testimony, pursuant to the terms of this Act, shall be subject to discipline on the part of the court as and for contempt of the court, and in addition thereto be subject to a penalty of not more than \$500.00, to be fixed by the trial judge and paid to the party aggrieved.

Which was adopted.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	Newton	
Benson	Dodson	Hornsby	Shaver	
Bentley	Garrett	Kilborn	Simpson	
Bradford	Henderson	Lawson	Taylor	
Carlton	High	McCary	Walton	

—19

*Nays:*

—0

Mr. Hill offered the following amendment to the bill, to-wit:

Amend H. B. #76 by adding the following at the end of Section 2 thereof: "if an indigent person desires to appeal from any judgement rendered by any Circuit Court at law, or Court of like jurisdiction, and such person is unable to give security for costs or pay the Court Reporter to transcribe the testimony as hereinabove provided, he may apply to the judge of said court for an order authorizing and requiring the Court Reporter to transcribe certify and file a transcript of the evidence with the Clerk of said Court. If the judge is reasonably satisfied from the evidence presented that such person is unable to give security for costs and is unable to pay the cost of transcribing the testimony, the judge shall authorize and direct the Court Reporter to transcribe, certify and file a transcript of the evidence with the clerk."

On motion of Mr. Walton, said amendment was laid on the table.

Yeas, 17; Nays, 11.

*Yeas:*

Messrs.:	Espy	Lawson	Sherrer	
Bradford	Garrett	Madison	Simpson	
Cater	Goodwin	Pinson	Toomer	
Cobb	Kelly	Shaver	Walton	
Dodson	Kilborn			—17

*Nays:*

Messrs.:	Black	Hill	St. John (Lawrence)	
Benson	Carlton	Hornsby	Smith	
Bentley	High	McCary	Taylor	—11

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Goodwin	Madison	Simpson	
Black	High	McCary	Taylor	
Bradford	Hill	Pinson	Toomer	
Carlton	Hornsby	St. John (Cullman)	Walton	
Dodson	Kelly	St. John (Lawrence)		—26

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 152. To amend Section 216 of Title 61 of the Code of Alabama of 1940.

Also:

H. 231. To amend Section 21 of Title 30 of the Code of Alabama of 1940.

Also:

H. 248. To Amend Section 151 of Chapter 8 of Title 52 of the Code of Alabama of 1940.

Also:

H. 524. To repeal Section 271 of Title 28 of the Code of Alabama, 1940.

Also:

H. 646. To submit to the qualified electors of Alabama an amendment to the constitution of Alabama providing that at any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in the determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.

Be It Enacted By The Legislature Of Alabama:

Section 1. That an amendment to the constitution of Alabama is hereby proposed by the Legislature for the consideration of the qualified electors of Alabama, which said amendment so proposed is as follows:

At any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes.



Section 2.. It is ordered by the Legislature that an election by the qualified electors of the State of Alabama upon the aforesaid proposed amendment be held at the next general election succeeding the present session of the legislature. On the officials ballot provided for such election there shall be printed the following: "Should the following be adopted as an amendment to the Constitution of Alabama?" "At any general election hereafter held for county officers all nominees for county offices of any political party which at the general election for county officers then next preceding the election cast more than twenty-five percent of the entire vote cast for county officers must have been nominated by primary election held in accordance with the statutes now in force or hereafter enacted, and in determining the total vote of a political party the test shall be the total vote cast by such political party for its candidate for county office who received the greatest number of votes." "Yes..... No....." The choice of the elector shall be indicated by an "X" mark made by him or under his direction opposite the word expressing his desire.

Section 3. Notice of the election upon this proposed amendment shall be given, said election held and the result thereof ascertained and proclaimed in the manner and in accordance with the constitution and laws relating to elections on constitutional amendments.

Also:

H. 714. To provide for State aid in the construction of county roads, as herein defined, and for that purpose to appropriate money out of the State Public Road and Bridge Fund to be used with an equal amount of money appropriated by the counties out of their Gasoline Excise Tax Funds for such construction, to be used under the joint supervision of the County and the State Highway Department through a division thereof to be known as the Bureau of County Aid; and to authorize the State Highway Department to make rules and regulations necessary or convenient for the administration of this act.

Also:

H. 764. To authorize the Governor of the State of Alabama to contract with the Harrison Company, the Michie Company, and West Publishing Company, on such terms, conditions, and at such prices as appear proper, to digest, compile, annotate, index and print in pocket supplement form for insertion in the 1940 Code of Alabama, all acts of the Legislature of Alabama, passed since July 2, 1940, to authorize the purchase of not exceeding five thousand sets of said supplements and to appropriate the necessary funds for carrying out the purposes of this act.

Also:

H. 806. To provide for the nomination and election of a Commissioners Court of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of said Commissioners Court.

Also:

H. 807. To provide for the nomination and election of a County Board of Education of Clay County, Alabama, to fix the qualifications of its members, to provide for their compensation, and to fix and prescribe the powers and duties of such Board.

Also:

H. J. R. 68. Relative to designating Senate Bill #330 by Mr. Carlton, as the Carlton-Chichester-Eddins Bill.

Also:

H. J. R. 73. Relative to designating House Bill 621 as the Carter-Martin Bill.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House joint resolutions, the titles of which are set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 173. To amend Section 912 of Title 51, Chapter 22 of the Code of Alabama of 1940.

Also:

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the

establishment and improvement of pastures; the production of feed and forage crops; the economic (production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal governmental agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

Also:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of the sale of United States War Bonds and stamps, and to limit its expenditures.

Also:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when col-

lected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect; provided that only fifty percent (50%) of fines collected for violation of traffic laws, which under the General Law go to the Department of Public Safety, shall be paid into the General Fund of Tuscaloosa County.

Also:

S. 374. To amend Sections 3 and 5 of an act entitled "An act to create the office of County Solicitor for Baldwin County, Alabama, to provide the manner of selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

Also:

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Also:

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kilborn:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than 140,000 nor more

than 300,000 according to the last or any subsequent Federal census.

Committee on Local Legislation.

By Mr. Kilborn:

S. 428. To authorize, require and provide for payment of the sum of Two Thousand Three Hundred Forty-Six and 24/100 (\$2346.24) Dollars for the relief of Fred W. Clarke, said sum being the balance due to him by the State of Alabama for architectural services rendered by him in the construction of the Mobile National Guard Armory and Drill Hall and the Prichard National Guard Armory, for the State Armory Commission.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given of intention to apply for passage on a special Act for the relief of Fred W. Clarke at the session of the Legislature of Alabama which convenes on May 4, 1943 in substance as follows:

A BILL TO BE ENTITLED "AN ACT to authorize, require and provide for payment of the sum of Two Thousand Three Hundred Forty-six and 24/100 (\$2346.24) Dollars for the relief of Fred W. Clarke, said sum being the balance due to him by the State of Alabama for architectural services rendered by him in the construction of the Mobile National Guard Armory and Drill Hall and the Prichard National Guard Armory for the State Armory Commission."

Whereas, Fred W. Clarke has rendered architectural services in the construction of the Mobile National Guard Armory for which there is a balance of Two Hundred Forty (\$240.00) Dollars due to him, has performed architectural services in the construction of the Mobile National Guard Armory Drill Hall for which there is a balance due to him of Six Hundred (\$600.00) Dollars, and has performed architectural services in the construction of the Prichard National Guard Armory for which there is a balance due to him of One Thousand Five Hundred Six and 24/100 (\$1506.24) Dollars, all of said services having been performed by him under an agreement with the State Armory Commission, and for which services he has not been paid:

Be It Enacted By The Legislature Of Alabama:

Section 1. That the Director of Finance of the Department of Finance of the State of Alabama, on the passage and approval of this Act be and he is hereby authorized and required to draw a warrant on the State Treasurer in favor of Fred W. Clarke for the sum of Two Thousand Three Hundred Forty-six and 24/100 (\$2346.24) Dollars in payment of the balance due to the said Fred W. Clarke for architectural services performed by him in the construction of the Mobile National Guard Armory, the Mobile National Guard Armory Drill Hall and the Prichard National Guard Armory, which warrant shall be paid by said Treasurer out of funds in the State Treasury not otherwise appropriated.

Section 2. This Act shall become effective upon its passage and approval by the Governor.

STATE OF ALABAMA,  
COUNTY OF MOBILE.

Personally appeared before me the undersigned authority in and for said state and county, C. M. Shepard, Jr., who being sworn, does depose and say he is the Publisher of the Mobile Post, a weekly newspaper of general circulation, printed and published in Mobile County, Alabama, and that the attached advertisement was published in the Post on May 7, 14, 21 and 28, 1943.

C. M. SHEPARD, JR.,

Sworn and subscribed to before me on the 28 of May, 1943.

(Seal)

E. C. DOODY,  
Notary Public, Mobile County, Alabama.

By Mr. Espy:

S. 429. To amend Section 3 of an Act entitled "An Act to create the office of Road Supervisor for Henry County, Alabama", approved November, 1932 (H-536) as amended by an Act of the Legislature approved September 9, 1935 (H-578) entitled "An Act to amend Sections 2, 3, and 5 of an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama, (H-536) approved November 4, 1932", as amended by an Act of the Legislature approved September 1, 1939, (H-567) entitled "An Act to amend an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama, approved November, 1932", so as to fix the salary of said Road Supervisor.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced in the regular session of the legislature of Alabama in 1943, a bill to be entitled:

An Act to Amend Section 3 of an Act entitled "An Act to Create the Office of Road Supervisor for Henry County, Alabama," approved November, 1932, (H-536) as amended by an Act of the legislature approved September 9, 1935, (H-578), entitled "An Act to Amend Sections 2, 3 and 5 of an act entitled, "An Act to Create the Office of County Road Supervisor for Henry County, Alabama, (H-536) approved November 4, 1932," as amended by an Act of the legislature approved September 1, 1939, (H-567) entitled "An Act to Amend an Act entitled, 'An Act to Create the Office of Road Supervisor for Henry County, Alabama, (H-536) Approved November, 1932," so as to fix the salary of said Road Supervisor. 6-3-4t

NOTICE

Notice is hereby given that the following bill will be introduced in the regular session of the Legislature of Alabama in 1943, a bill to be entitled: "An Act to amend Section 3, Title 54 of the Code of Alabama of 1940, so as to fix the Salary of the Chief Deputy Sheriff of Henry County, Alabama." 6-3-4t

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
HENRY COUNTY.

Before me, J. P. Mitchell, a Judge of Probate in and for said county, in said State, personally appeared Mrs. Ward Espy, who is known to me, and who by me being duly sworn, deposes and says that he is the editor and publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for 4 consecutive weeks, on, to-wit: 6-3-43, 6-10-43, 6-17-43, 6-24-43.

MRS. WARD ESPY,

Editor and Publisher, The Abbeville Herald.

Sworn to and subscribed before me, this 25th day of June, 1943.

J. P. MITCHELL,

(Seal)

Judge of Probate.

By Mr. Kilborn:

S. 430. To provide a County Board of Equalization in all Counties which now or may hereafter have a population of not less than 140,000 nor more than 400,000 according to the last or any subsequent Federal census, to prescribe the manner of appointment of such Board, to fix the compensation and manner of payment thereof and terms of office of the members of the Board, to prescribe an oath of office for said members, to provide for the Tax Assessor to serve as Secretary of such Board, to provide for the employment of personnel by such Board, to provide the compensation of such personnel, to provide for the making of an inventory and appraisement of property by the Board, to provide for offices, supplies, equipment, and expenses for the Board and the method of payment of said expenses, to provide a budget for the operation of the Board, to provide for the apportionment of the cost of the inventory and appraisement by the Board, to provide custody of the funds appropriated to or contributed to the Board, and the method of expending such appropriations or contributions, to provide for the election of a chairman of the Board, to provide for the making of rules and regulations by the Board, to provide for the valuation of property by the Board, to provide for the duties of the Board, to provide for an equalization of taxes by the Board, to provide a method of procedure, and to provide for the repeal of all or parts of laws in conflict herewith, and to provide for an effective date for this Act.

Committee on Local Legislation.

By Mr. St. John (Lawrence):

S. 431. To increase the duties of the county Superintendent of education of Lawrence County and to provide additional compensation therefor.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE OF A PROPOSED LOCAL LAW

We expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in substance as follows:

#### A BILL TO BE ENTITLED AN ACT

To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

Be It Enacted By The Legislature of Alabama:

Section 1. That in addition to all other duties now prescribed by law to be performed by the county superintendent of education of Lawrence County, he is hereby required to perform the following additional duties: (a) To give general supervision to all war production training classes organized in Lawrence County in cooperation with the State Department of Education and the Federal Government and (b) to develop plans in cooperation with the agricultural extension service for increasing agricultural production through school activities.

Section 2. For the performance of the extra, new and additional duties imposed on the county superintendent of education of Lawrence County by the provisions of this act, he shall receive Nine Hundred Dollars (\$900) per annum, payable as now required by law for the payment of salaries of county superintendents of education in this state, as compensation in addition to the salary now provided by "An Act to provide for the election of a county superintendent of education of Lawrence County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, and to provide for the election of his successors in office," approved May 20, 1931.

Section 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. That this act will take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

5-27-4

V. L. St. John.  
A. S. BYARS.

#### PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me, C. C. McWhorter, a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he published in said newspaper the attached notice for 4 consecutive weeks



as follows: May 27, 1943; June 3, 1943; June 10, 1943; June 17, 1943, as required by law.

CLARK HODGINS, Publisher.

Sworn to and subscribed before me this 24 day of June, 1943.

C. C. McWHORTER,  
Notary Public.

#### REPORTS OF COMMITTEES

Mr. Bentley, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McIlwain:

H. 201. To amend Section 603, Title 62, Code 1940.

By Mr. Cobb:

S. 395. To require the registration of all lobbyists, and penalties for violation of this Act.

Mr. Espy, Chairman of the Standing Committee on Aviation and Traffic, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rains:

H. 652. An Act to provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walker (with notice and proof):

H. 744. To amend an Act Entitled: "An Act to establish an inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Harris:

H. 599. To authorize cities and counties, either jointly or separately, to acquire and operate a hospital.

#### NOTICE TO REMOVE FROM ADVERSE CALENDAR

Mr. Walton gave the following notice in writing:

"Notice is hereby given that on the next Legislative Day, I will move that S. B. #13, S. B. #12, and S. B. #11, now on the adverse calendar of the Senate, be taken from the adverse calendar, and read a second time in the Senate. This June 28, 1943.

---

Will O. Walton,  
Senator 9th District."

Which was read and ordered spread upon the Journal.

#### CALENDAR BILLS INDEFINITELY POSTPONED

On Motion of Mr. Kilborn, further consideration of the bill, S. 250, was indefinitely postponed by the Senate.

On Motion of Mr. Goodwin, further consideration of the bill, S. 106, was indefinitely postponed by the Senate.

On motion of Mr. Newton, further consideration of the bill, S. 299, was indefinitely postponed by the Senate.

Mr. Kilborn moved that further consideration of the bill, S. 377, be indefinitely postponed.

Mr. Cobb moved to lay the motion to postpone on the table, which motion was lost.

The question then recurred on the motion of Mr. Kilborn to indefinitely postpone, and the bill, S. 377, was indefinitely postponed by the Senate.

#### RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 71. BE IT RESOLVED that the Senate do now take up the Senate Bills on its calendar in their order and then take up House Bills on its calendar in their order.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Merrill:

H. 139. To supplement the salaries of the Circuit Judges in Alabama in all judicial circuits that now or may hereafter have a population of not less than 115,000 nor more than 130,000 according to the last or any subsequent Federal census, said judicial circuits having only two judges, provided the salaries of such judges in such judicial circuits as paid by the State of Alabama shall not already be supplemented by payments from the County Treasuries of said counties, and to provide for the payment of such judges' supplemental salaries. Provided, that on and after the first Monday after the second Tuesday in January, 1947, the provisions of this Act shall be inoperative and void.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate standing committee as follows:

H. 139, To the Committee on Judiciary.

#### BILLS ON THIRD READING RESUMED

The bill:

H. 101. To amend Section 99, Title 21, Code 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 3.

Ygas:

Messrs.:	Black	Espy	High
Benson	Bradford	Garrett	Hornsby
Bentley	Cater	Henderson	Kelly

Kilborn	McCary	St. John (Lawrence)	Taylor
Lawson	Pinson	Shaver	Toomer
Madison	St. John (Cullman)	Simpson	Walton

—23

*Nays:* Messrs.: Hill, Newton and Smith

—3

On motion of Mr. St. John (Lawrence), the Senate reconsidered the vote by which the bill, H. 101, was passed.

And said bill, was again read a third time at length and passed.

Yeas, 24; Nays, 3.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Simpson
Black	Henderson	Madison	Taylor
Bradford	High	McCary	Toomer
Carlton	Hill	Pinson	Walton
Cater			

—24

*Nays:* Messrs.: Newton, Sherrer, and Smith

—3

The bill:

S.373. To propose an amendment to Section 177 of the Constitution of the State of Alabama.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; Nays, 7.

*Yeas:*

Messrs.:	Cobb	Hill	Sherrer
Benson	Dodson	Madison	Smith
Bentley	Espy	Newton	Taylor
Black	Garrett	Pinson	Toomer
Bradford	Goodwin	St. John (Cullman)	Walton
Carlton	Henderson	St. John (Lawrence)	

—22

*Nays:*

Messrs.:	High	Kelly	Lawson
Cater	Hornsby	Kilborn	Simpson

—7

The bill:

S. 381. To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3, Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that

all process issued out of said court shall be served by the Sheriff of Houston County, Alabama, by adding thereto Section XVI and Section XVII in words and figures as follows:

Was taken up.

Mr. Espy offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3, Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama, by adding thereto Section XVI.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section XVI of an Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, be amended to read as follows:

"Section XVI. In all criminal cases in said court where the case is nol prossed, or where the defendant is discharged, or where the defendant is sentenced to jail and does not pay the costs, the Sheriff of Houston County, Alabama, shall be entitled to receive the same fees due to him in like cases in the Circuit Court for arrests, jail fees, approving bonds and serving subpeonas; and said fees shall be paid to him out of the Inferior Court Fund of Houston County, Alabama, on a warrant to be drawn by the Judge of Probate of Houston County, Alabama, on said fund on proper proof by the Sheriff that he has performed such services. It shall be considered proper proof when the Sheriff submits to the Judge of Probate an itemized sworn statement of such fees."

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bradford	Dodson	Henderson
Benson	Carlton	Espy	High
Bentley	Cater	Garrett	Hill
Black	Cobb	Goodwin	Hornsby

Kelly Madison	McCary Newton	Pinson Shaver	Sherrer Simpson	—23
<i>Nays:</i>				—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Henderson	McCary	
Benson	Cobb	High	Newton	
Bentley	Dodson	Hill	Pinson	
Black	Espy	Hornsby	Shaver	
Bradford	Garrett	Kelly	Sherrer	
Carlton	Goodwin	Madison	Simpson	—23
<i>Nays:</i>				—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 407. To alter and extend the boundaries of the City of Birmingham; to provide for an election to submit to the qualified voters of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and systems for the benefit of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Chichester and Edwards:

H. 826. To apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Sec-

tion 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act; to repeal any existing ordinances or statutes in conflict with the provisions of this Act.

Also:

By Messrs. Stone, Sullivan, and Johnston of Mobile:

H. 831. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330, by setting aside or appropriating for such purpose one-half of the moneys derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased," approved March 4, 1937.

Also:

By Messrs. Gwin, Smyer, Chichester, Edwards, Hodo and Sessions:

H. 832. To amend Sections 137 and 144 of Title 12 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 826, to the Committee on Finance and Taxation.

H. 831 and H. 832, to the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 380. To Amend an Act known as Senate Bill No. 159 (House No. 160) approved March 15, 1939, creating the office of Clerk of The Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by providing additional compensation for said Clerk for performing such duties.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Espy, the Senate concurred in the following House amendment to the bill, S. 380, the title of which is set out in the foregoing message from the House, to-wit:

Amend S. B. 380 by adding to the end of Section Eight the following: "but this additional compensation shall not exceed fifty dollars per month, and remainder of said additional fees shall go into the Inferior Court Fund."

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Henderson	McCary
Benson	Cobb	High	Newton
Bentley	Dodson	Hill	Pinson
Black	Espy	Hornsby	Shaver
Bradford	Garrett	Lawson	Sherrer
Carlton	Goodwin	Madison	Simpson

—23

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Henderson	McCary
Benson	Cobb	High	Newton
Bentley	Dodson	Hill	Pinson
Black	Espy	Hornsby	Shaver
Bradford	Garrett	Lawson	Sherrer
Carlton	Goodwin	Madison	Simpson

—23

*Nays:*

—0



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Bowling:

H. 264. To regulate hunting, trapping, capturing, injuring, killing or destroying or attempting to hunt, trap, capture, injure, kill or destroy fur bearing animals within ten feet of the banks of waters on or running through property of another without written permission, and to provide penalties for violation of the provisions of this Act.

Also:

By Mr. Norman of Bullock:

H. 632. To amend Section 555 of Title 51 of the Code of Alabama of 1940.

Also:

By Messrs. Edwards, Gwin, Snyder, Hodo, Chichester, Smyer and Sessions:

H. 803. To apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama: and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one-fourth cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection and payment of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

Also:

By Messrs. Hodo and Sessions:

H. 745. FOR THE RELIEF OF GLENN DAVIS.

Also:

By Mr. Tucker:

H. 647. To amend Section 642 of Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 264, to the Committee on Fish and Game.

House bills 632, 745, 647, to the Committee on Finance and Taxation.

H. 803, to the Committee on Local Legislation.

## RECESS

At 12:35, on motion of Mr. Kilborn, the Senate took a recess until 3:15 this afternoon.

## FIFTY-SIXTH DAY—AFTERNOON SESSION

Monday, June 28, 1943.

The Senate re-assembled at 3:15 o'clock, P. M., Lieutenant-Governor Ellis, presiding.

## ROLL CALL

Present:

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	Newton	Taylor
Cater	Hill	Pinson	Toomer
Cobb	Hornsby	St. John (Cullman)	

—31

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 724. To amend Section 301 of Title 55 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

## REPORTS OF COMMITTEES

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hankins:

H. 507. To amend Section 710, Title 51, of the Code of Alabama of 1940.

By Mr. Tucker:

H. 824. To provide additional clerical assistants for the Clerk of the House and the Secretary of the Senate for four weeks after the adjournment of the present session of the Legislature.

By Mr. Boswell (with amendment):

H. 705. To amend Section 333, of Title 55, of the Code of 1940. To provide for an additional member thereof, and to fix and provide for his compensation.

By Mr. Norman (of Bullock):

H. 630. To amend Section 428 of Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 500. To amend Section 732, Title 51, of the Code of Alabama of 1940.

By Mr. Locke:

H. 536. To amend Section 122 of Title 41 of the Code of Alabama of 1940.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnston (of Mobile):

H. 690. To require the Sheriffs of the Several Counties of the State to Fingerprint Each Person Coming Into His Custody; To Furnish A Copy of Such Fingerprints to the Director of the Federal Bureau of Investigation, Washington, D. C. and a Copy to the Director, Department of Public Safety, State Bureau of Investigation and Identification, Montgomery, Alabama; to Provide that the Department of Public Safety, State Bureau of Investigation and Identification shall constitute the central assembling agency for receiving, maintaining and furnishing such fingerprint records; to

provide for the necessary equipment; and to provide a fee for the several Sheriffs to be taxed and collected as other costs.

By Mr. Dearman:

H. 260. To provide that any male person who goes near and stares, gazes or peeps into any room, apartment, chamber or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor; and to fix his punishment therefor.

By Mr. Locke:

H. 190. To provide for payment to the Sheriff furnishing evidence and bringing about the conviction of any person, who steals any horse, mare, gelding, colt, filley, mule, jack, jennett, cow, or any animal of the cow kind.

By Mr. Allen:

H. 41. To fix and limit the time for bringing actions for recovery of any rates, fares or charges, or any part thereof, subject to regulation by the Public Service Commission of Alabama for the transportation of persons or property for hire.

By Mr. Kilborn:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

By Mr. Hornsby:

S. 416. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowances of Coroners in all Counties of this State which now have or may hereafter have a population of more than thirty thousand people and less than forty thousand people, according to the last United States Census, or any such census which may hereafter be taken.

By Mr. Simpson (with substitute):

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

#### RESOLUTION

The Rules Committee offered the following resolution:

S. R. 72. Resolved by the Senate, that, House bill 735 be made Special Order on convening of the Senate at 3:15, then continue Special Order as set up in the former Special Order.

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 29. To Amend Section 47 of Title 60 of the Code of Alabama of 1940.

Also:

H. 55. To repeal Section 149 of Title 52 of the Code of Alabama of 1940.

Also:

H. 198. To provide for the correction of marriage applications, licenses and certificates by the Judge of Probate and prescribe the notice and proof required.

Also:

H. 213. To amend Section 1 of "An Act to abolish the office of coroner in Calhoun County, Alabama and to require the Board of Revenue of Calhoun County, Alabama or other governing body of said county to perform the duties now or which may hereafter be by law required of coroners in the State of Alabama; to invest said Board of Revenue of Calhoun County, Alabama, or other governing body of said county with all the rights and powers of such coroner; to authorize said Board of Revenue of Calhoun County or other governing body of said county to designate such representative or agent as may be necessary for the discharge of such duties; and to fix a term and compensation for such representative or agent as may be so designated", approved September 11, 1939.

Also:

H. 440. To amend Section 481, Title 51, of the Code of Alabama of 1940.

Also:

H. 474. To require the Judge of Probate, for the purpose of issuing motor vehicle and driver's licenses, the Tax Collector, for the purpose of collecting ad valorem taxes on motor vehicles, and the Tax Assessor for the purpose of assessing motor vehicles for ad valorem taxation in all counties in this State having a population of not less than 140,000 and not more than 300,000, according to the last or any subsequent Federal census, to maintain in addition to the office now maintained by them in the Court House of such County other offices elsewhere in such County for a period of sixty days in any calendar year; to provide for additional office space, supplies and equipment for such offices and the payment therefor, and to provide for the appointment of clerks and assistants

to perform such additional duties and the payment therefor; and to provide for bonds for such temporary clerks.

Also:

H. 538. To amend Section 69 of Title 36 of the 1940 Code of Alabama.

Also:

H. 539. To amend Section 632 of Title 51 of the 1940 Code of Alabama.

Also:

H. 540. To require a permit for the erection, construction, addition to, enlargement of, moving, or demolishing any building or structure in each county of the State of Alabama having a population of not less than 140,000, not more than 300,000, according to the last or any subsequent Federal Census; to provide for the issuance of such permits and fees therefor; to provide for the keeping of records relating to such permits; to provide for appeals from decisions denying such permits; and to provide penalties for the violation of this Act.

Also:

H. 611. To make provision for the creation and maintenance of a Sub-Agricultural Experiment Station in the soil types of the State of Alabama as represented in the area generally known as the Upper Coastal Plains Area, for the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops; the adaptation and improvement of varieties of crops; the establishment and improvement of pastures; the production of feed and forage crops; the economic production and management of livestock; the production of fruits, vegetables, nuts, and citrus fruit; the control of insect pests and plant and livestock diseases; and other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; to designate the counties of the State constituting the Upper Coastal Plains Area; to provide for the location of said Sub-Agricultural Experiment Station; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue, county commissioners, or other governing bodies having similar jurisdiction in the several counties composing the Upper Coastal Plains Area, individuals, firms, organizations, corporations, companies, or municipalities to make donations and appropriations for the purchase of lands and equipment for said Sub-Agricultural Experiment Station; and to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Also:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Also:

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Also:

H. 715. To provide that all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, shall be known as Class "D" Cities; to provide the name by which the chief executive officer of each of such cities shall be known; and to provide that the chief executive officer of each of such cities shall be authorized and empowered to perform services for any agency or board of such city in addition to the duties required of him as such chief executive officer.

Also:

H. 723. To amend Section 308, Title 55, of the Code of Alabama of 1940.

Also:

H. 724. To amend Section 301 of Title 55 of the Code of Alabama of 1940.

Also:

H. 774. To amend Sec. 89 of Title 51 of the Code of Alabama of 1940.

Also:

H. 787. To authorize and empower the City of Gadsden, Etowah County, Alabama, to sell and convey, or to lease, for public or private purposes, or for public or private use, all or any part or parts of those certain lands owned by it in the City of Gadsden, Etowah County, Alabama, described as follows: A tract of land described as beginning at a point where the Southwest line of Locust Street intersects the Southeast line of First Street, as shown by the Original Survey of the City of Gadsden, and from thence run in a Southeasterly direction and along the Southwest line of Locust Street a distance of 150 feet; thence in a Southwesterly direction and parallel with the Southeast line of First Street a distance of 350 feet, more or less, to the Northeast line of Broad

Street; thence in a Northwesterly direction and along the Northeast line of Broad Street a distance of 150 feet to the Southeast line of First Street; thence in a Northeasterly direction and along the Southeast line of First Street a distance of 350 feet, more or less, to the point of beginning, and embracing portions of the West part of the Southwest Quarter, lying West of Coosa River, in Section 3 and portions of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  in Section 4, all in Township 12 South, of Range 6 East of Huntsville Meridian, in Gadsden, Etowah County, Alabama, and being a portion of what is known as "Emma Sansom Park;" and, in the event of any such sale or lease of any part or parts thereof to the United States of America, or to any bureau, department or agency thereof, to authorize such City to accept a nominal consideration for such lease or conveyance; and to ratify, confirm and validate any such lease or conveyance executed by such City prior to the passage and approval of this Act.

Also:

H. 788. To fix the salary of the Deputy Solicitor of Lamar County, Alabama, and to prescribe the method of Payment.

Also:

H. 789. To provide for the appointment of a deputy clerk of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Also:

H. 790. To provide for the appointment of a deputy register of the Circuit Court of Montgomery County, and to prescribe the duties and fix the compensation and salary of such deputy.

Also:

H. 791. To provide additional duties for county solicitors of all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census.

Also:

H. 797. To create and establish a Board of Revenue in and for Jackson County, Alabama to be composed of five members, one of whom shall be Chairman of said Board: to fix the qualifications of the Chairman and other members of said Board; to abolish the Court of County Commissioners of Jackson County, Alabama; to designate the manner of constituting, selecting and appointing the first board to hold office hereunder, and providing for the appointment of the first chairman of the said Board by the Governor; to fix the term of office of the first board holding office hereunder, and their successors in office, to provide for filling va-



cancies, therein, to require the members elected, chosen or appointed hereunder to take the oath of office and give bond; to define the powers and duties of the said Board; to fix the compensation of the members thereof; to confer upon said Board all the jurisdiction, powers and authority that is now or may hereafter be granted by law to courts of County Commissioners, Boards of Revenue or other governing bodies of like name and authority in this State not in conflict or antagonistic to the jurisdiction, powers and authority conferred by this Act; to authorize the said Board of Revenue to employ a clerk and a supervisor of roads and bridges for the County and to fix the duties, qualifications and compensation of such clerk and supervisor of roads and bridges, providing the manner of their payment, and to repeal all laws and parts of laws in conflict with the provisions of this Act; particularly and expressly repealing any and all laws constituting the Judge of Probate as principal Judge and member of the Court of County Commissioners, granting judicial power, requiring reports from courts of said County, providing meeting place and time of meeting of said Board, regulating all purchases made by said Board and the expenditure of County funds, to provide for the election of all members of said Board at the expiration of the term of office of the first board constituted hereunder

Also:

H. 801. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 634. To repeal Section 389 of Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Rains:

H. 392. To amend Section 397 of Title 37 of the Code of Alabama of 1940.

Also:

By Mr. Norman of Bullock:

H. 545. To amend Section 304 of Title 51 of the Code of Alabama of 1940

Also:

By Mr. Frasier:

H. 765. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, Alabama; and to provide an appropriation therefor.

Also:

By Mr. Norman of Bullock:

H. 498. To amend Section 781, Title 51, Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills 634, 545, 765, 498, to the Committee on Finance and Taxation.

H. 392, to the Committee on Municipalities and Municipal Organizations.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hankins:

H. 834. To confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct

No. 1 in Lamar County, Alabama throughout and Co-Extensive with Lamar County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that application will be made at the present session of the Legislature of Alabama, for the passage of substantially the following bill;

A Bill to be entitled, An Act to confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1, in Lamar County, Alabama, throughout and co-extensive with Lamar County, Alabama;

Be it enacted by the Legislature of Alabama:

Section 1. That all Justices of the Peace and all Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County, Alabama, shall have and exercise Jurisdiction as such Justices of the Peace and Notaries Public and Ex-Officio Justices of the Peace, throughout and Co-Extensive with Lamar County, Alabama.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its approval by the Governor.

#### THE STATE OF ALABAMA, LAMAR COUNTY.

Personally appeared before me, the undersigned, a Notary Public, in and for said State and County, Lee Barnes, Owner and Publisher of The Lamar Democrat, a Newspaper published at Vernon, Lamar County, Alabama, who deposes and says on oath that a copy of the advertisement appeared once a week for Four consecutive weeks, on the following dates: June 2, June 9, June 16, and June 23, 1943, in said The Lamar Democrat.

LEE BARNES.

Sworn to and subscribed before me this June 23, 1943.

J. A. HANKINS,  
Notary Public.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 834, to the Committee on Local Legislation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smyer, Gwin, Edwards, Chichester, Hodo, Snyder, and Sessions:

H. 827. To amend Section 4 of a local act, approved September 25, 1939, and entitled: "An Act To create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected."

With notice and proof thereto attached and herewith exhibited as follows:

## LEGAL NOTICE

Notice is hereby given that there will be introduced in the Legislature of Alabama of 1943, A Bill to Be Entitled An Act To Amend Section 4 of a Local Act, approved September 25, 1939, entitled: "An Act To Create and establish the office of License Inspector in and for Jefferson County, Alabama; to name and designate H. A. McDowell as the first License Inspector of said county; to provide for the subsequent appointment or selection of the holders of said office; to fix the compensation, duties and powers of said office; to provide for clerical and other assistants and to fix their compensation and the payment of the same out of the county treasury; to provide that said office and all employees shall be subject to and regulated by civil service; and to provide for and fix the fees, costs, penalties, commissions and other charges of said office, and to provide for and regulate the disposition of the same after they are collected." The purpose of said bill will be to further regulate the office of license inspector in Jefferson County, Alabama, and to further define and regulate his duties, powers and authority, and the duties, powers and authority of all deputy license inspectors serving under the provisions of this act, and to give the said license inspector and deputies power and authority to collect court costs due to the clerk of any court in Jefferson County, Alabama, where execution for the collection of said court costs has been returned "No property found."

The Call—May 29; June 5-12-19, 1943.

## AFFIDAVIT

STATE OF ALABAMA,  
JEFFERSON COUNTY.

Personally appeared before me, the undersigned authority, Geo. M. Howle, who first being duly sworn by me, deposes and says on oath that he is the Editor for The Weekly Call, a weekly newspaper published in said State and County, and that the notice, a true copy of which is hereto attached, was published in The Weekly Call, once a week for 4 consecutive weeks, commencing on the 29 day of May, 1943.

GEO. M. HOWLE.

Subscribed and sworn to before me on this the 21 day of June, 1943.

MOLLIE DAFFIN,  
Notary Public.

(Seal)

By Mr. Sessions:

H. 830. To authorize the City of Birmingham to provide relief for certain employees.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given that application will be made during the regular session of the Alabama Legislature in the year 1943 for passage of an act in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

TO AUTHORIZE THE CITY OF BIRMINGHAM TO PROVIDE  
RELIEF FOR CERTAIN EMPLOYES.

Be it enacted by the Legislature of Alabama:

Section 1. That A. Johnston Hawkins having rendered services to the City of Birmingham in the capacity of Special Engineer throughout a period of two and two-thirds months in the year 1938 upon duly adopted previous promise of the governing body of said city to pay therefor at the rate of three hundred dollars per month, and that G. Hayes Howell having rendered services to said city in the capacity of estimator for nine days upon duly adopted previous promise of said governing body to pay therefor at the rate of six dollars seventy-five cents per day, but said promised compensation not having been paid due to doubt of authority to pay same arising out of failure to procure approval of employment of said persons from the Personnel Board of Jefferson County, Alabama, the governing body of said city be, and it hereby is, authorized and empowered to order payment of the sum of eight hundred dollars to said A. Johnston Hawkins and of sixty dollars seventy-five cents to G. Hayes Howell from the general fund of said city for their said services respectively.

Section 2. That this act shall become and be effective upon and after date of passage.

Age-Herald, May 20, 27, June 3, 10, 1943.

STATE OF ALABAMA,  
COUNTY OF JEFFERSON.

On this 21 day of June A. D. one thousand nine hundred and forty-three personally appeared before me, Virginia Sargent, a Notary Public in and for the County and State aforesaid J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of "The Birmingham Age-Herald," newspapers published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in "The Birmingham Age-Herald" on the following dates: May 20 and 27, 1943; June 3 and 10, 1943.

(Signed) J. H. CAPPS.

Subscribed and sworn to before me this 21 day of June, A. D. 1943.

VIRGINIA SARGENT,

(Seal)

Notary Public.

R. T. Goodwyn, Jr.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 827, and H. 830, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the bills:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction and all other courts of Record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

Also:

H. 93. To amend Section 254 of Title 13 of the Alabama code of 1940.

Also:

H. 767. To provide for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day during

each week in Counties having a population of not less than Fifty Four thousand (54,000), nor more than sixty-Four (64,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Norman of Bullock:

H. 631. To amend Section 556 of Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 631, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Norman of Bullock:

H. 636. To amend Section 631 of Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Norman of Bullock:

H. 635. To amend Section 647 of Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the title of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 636 and H. 635, to the Committee of Finance and Taxation.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 380. To Amend an Act known as Senate Bill No. 159 (House No. 160) approved March 15, 1939, creating the office of Clerk of The Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by providing additional compensation for said Clerk for performing such duties.

Also:

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and systems for the benefit of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

Also:

S. 407. To alter and extend the boundaries of the City of Birmingham: to provide for an election to submit to the qualified voters of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

Sam High,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Thomas:

H. 490. To amend Section 848, and 849, Title 51 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 490, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Tucker:

H. 594. To amend Section 640, Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Tucker:

H. 593. To amend Section 658, Title 51, of the Code of Alabama of 1940.

Also:

By Mr. Dearman:

H. 702. To amend Section 684 of Title 51 of 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills 594, 593, 702, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Edwards:

H. 357. To authorize any incorporated municipality in this state and any water works board operating in such municipality to contract with each other to provide for the operation and management by such board, as agent of such municipality, of any sanitary sewer system in such municipality, and in aid of such operation to authorize such board to discontinue service to any water customer upon failure by such customer to pay any charge for service by or from such sanitary sewer system.

Also:

By Mr. Stewart:

H. 704. To amend Section 428, Title 37, Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

H. 357 and H. 704, to the Committee on Municipalities and Municipal Organizations.

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Walton, further consideration of the bill, S. 398, was indefinitely postponed by the Senate.

On motion of Mr. Shaver, further consideration of the bill, S. 379, was indefinitely postponed by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Beebe:

H. 713. To Amend Section 139 of Title 8 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 713, to the Committee on Fish and Game.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Walker:

H. 761. To amend Section 25 of Title 23 of the Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 761, to Committee on Public Roads and Highways.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Beebe:

H. 612. To amend Section 110 of Title 11, Code of Alabama, 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 612, to the Committee on Judiciary.

## CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 735. To set up an Educational Survey Commission, to provide for its duties and powers, and to make an appropriation therefor.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the Bill, to-wit:

Amend H. B. 735 by striking the words "General Fund" on lines 1 and 2 of Section 5 and substituting in lieu thereof the words "Alabama Special Educational Trust Fund Surplus Account."

Mr. St. John (Lawrence) moved that said amendment be laid on the table, which motion was lost.

Yeas, 11; Nays, 18.

*Yeas:*

Messrs.:	Cater	Henderson	St. John (Lawrence)
Bentley	Cobb	Madison	Smith
Black	Goodwin	McCary	Toomer

—11

*Nays:*

Messrs.:	Espy	Kelly	St. John (Cullman)
Benson	Garrett	Kilborn	Shaver
Bradford	High	Lawson	Simpson
Carlton	Hill	Newton	Walton
Dodson	Hornsby	Pinson	

—18

And said amendment was then adopted.

Yeas, 22; Nays, 6.

*Yeas:*

Messrs.:	Espy	Kelly	Pinson
Benson	Garrett	Kilborn	St. John (Cullman)
Black	Goodwin	Lawson	Shaver
Bradford	High	Madison	Simpson
Carlton	Hill	McCary	Walton
Dodson	Hornsby	Newton	

—22

*Nays:*

Messrs.:	Cater	Henderson	Toomer	
Bentley	Cobb	St. John (Lawrence)		—6

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Cullman)	
Benson	Espy	Kelly	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Lawson	Simpson	
Bradford	Henderson	Madison	Smith	
Carlton	High	McCary	Toomer	
Cater	Hill	Pinson	Walton	
Cobb				—28

*Nays:* —0

The bill:

S. 344. To amend Section 53, Title 36, Code 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	St. John (Lawrence)	
Benson	Dodson	Lawson	Shaver	
Bentley	High	McCary	Simpson	
Black	Hill	Pinson	Toomer	
Bradford	Hornsby	St. John (Cullman)	Walton	
Cater	Kelly			—21

*Nays:* —0

The bill:

S. 390. To amend Section 23 of Title 34 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 9.

*Yeas:*

Messrs.:	Espy	Hill	Madison	
Benson	Garrett	Hornsby	McCary	
Bentley	Goodwin	Kelly	Pinson	
Black	Henderson	Kilborn	Sherrer	
Bradford	High	Lawson	Toomer	
Carlton				—20

*Nays:*

Messrs.:	Dodson	Shaver	Smith
Cater	St. John (Cullman)	Simpson	Walton
Cobb	St. John (Lawrence)		

—9

The bill:

S. 408. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used; to provide for the payment by the state to said Department of Archives and History of five per cent interest per annum on money deposited with the state treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars to said department.

Was taken up.

The Standing Committee on Judiciary reported the following substitute, for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used and for the investment thereof; to provide for the payment by the State to said Department of Archives and History of the interest so earned by investment of the money deposited with the State Treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund, and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars (\$5,000) to said department.

Be it Enacted by the Legislature of Alabama:

Section 1. Whenever any gift or donation of money from any source is made to the Department of Archives and History of this State the same must be deposited in the State Treasury for the use of said department as hereinafter provided.

Section 2. The principal amount of such gift or donation shall be set aside by the State Treasurer in a special fund designated: "Endowment Fund—Department of Archives and History," and moneys so deposited shall constitute an endowment fund for

said department. In no event shall more than 10% of the amount remaining in said fund be expended in any one fiscal year. The Director of Finance shall invest or reinvest from time to time, at his discretion and with the approval of the Governor, any or all part or portion of said fund in such bonds as are authorized by the laws of Alabama governing investments in bonds by domestic life insurance companies, and the interest thereon shall be paid to said department by the State Treasurer upon a requisition signed by the director of said department and approved by the Governor.

Section 3. The interest accrued, earned or paid as the result of investment of said endowment fund is hereby appropriated to said Department of Archives and History, and shall be used by said department only for such purposes as its trustees may specify and the Governor approve; however, no expenditure of such funds may be made or approved by said board of trustees unless it is for the purpose of acquiring rare and valuable articles, property or materials, or acquiring, marking and preserving or maintaining historical locations or spots within the State of Alabama.

Section 4. Should any gift or donation to said department be in the form of real property it may be leased, rented or sold in the discretion of said board of trustees, but the sum received as rent, or the amount received as the purchase price, in the event of sale, must be deposited to the credit of said endowment fund, and such sum shall remain intact as a part of the principal amount of such endowment fund, and the interest received from the investment thereof shall be paid in the same manner as provided in this Act for the payment of interest on other moneys deposited to the credit of said endowment fund.

Section 5. Should any gift or donation by any person amount in value to as much as five thousand dollars (\$5,000) said board of trustees is hereby authorized to perpetuate or memorialize the name of the person making such gift or donation by designating any property or project or material or program acquired or carried on by proceeds derived from said endowment fund with appropriate nomenclature.

Section 6. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Bentley	Espy	Kilborn	Simpson	
Black	Garrett	Lawson	Smith	
Bradford	High	McCary	Taylor	
Carlton	Hill	Pinson	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb				—25

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	Shaver	
Benson	Dodson	Kilborn	Simpson	
Bentley	Espy	Lawson	Smith	
Black	Garrett	McCary	Taylor	
Bradford	High	Pinson	Toomer	
Carlton	Hill	St. John (Lawrence)	Walton	
Cater	Hornsby			—25

*Nays:*

—0

The bill:

H. 768. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Shaver	
Benson	Dodson	Lawson	Sherrer	
Bentley	Espy	McCary	Simpson	
Black	Garrett	Pinson	Smith	
Bradford	High	St. John (Cullman)	Taylor	
Carlton	Hill	St. John (Lawrence)	Walton	
Cater				—24

*Nays:*

—0

The bill:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to creat a public board and to appropriate for their use seven thousand dollars, and the further sum of three thousand dollars annually for the purpose of maintaining said memorial.

Was taken up.



Mr. Lawson offered the following amendment to the Bill to-wit:

Amend Senate Bill No. 414 by striking therefrom Section 3 as it appears therein and substituting in lieu thereof the following:

Section 3. Upon delivery to the Board of a deed of gift conveying to the State of Alabama a title in fee simple, to the afore-said property, to be approved by the Attorney General, but reserving to the donors, Margaret W. Hobson, Sarah Ann Hobson, Joseph M. Hobson, Samuel A. Hobson, Florence Hobson Morrison, the right and privilege to use and occupy said property as a place of residence during their lifetime, the Board shall forthwith proceed to expend the appropriation of seven thousand dollars hereinabove made in and about repairing, renovating, restoring and equipping said property as such memorial; and shall expend also the sum of three thousand dollars hereinabove appropriated annually for the preservation thereof by employing a custodian or hostess, to be a member of the Hobson family if available, at a salary of one hundred dollars monthly. The aforementioned property shall be used only as a memorial shrine, and in the event the state shall fail at any time in the future to maintain said property as such memorial shrine, or abandon the use thereof as such, title thereto shall revert to the donors, their heirs or assigns.

Which was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Garrett	Madison	Sherrer
Black	High	McCary	Simpson
Bradford	Hill	Pinson	Taylor
Carlton	Hornsby	St. John (Cullman)	Walton
Cater	Kelly		

—25

*Nays:*

—0

And said bill, as thus amended was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Bradford	Dodson	High
Benson	Carlton	Espy	Hill
Bentley	Cater	Garrett	Hornsby
Black	Cobb	Henderson	Kelly

Kilborn  
Lawson  
Madison

Pinson  
St. John (Cullman)  
Shaver

Sherrer  
Simpson

Taylor  
Walton

—25

Nays:

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

By Mr. Dodson:

H. 735. To set up an Educational Survey Commission, to provide for its duties and powers, and to make an appropriation therefor.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifty-sixth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the fifty-sixth day approved by the Senate.

#### ADJOURNMENT

At 5:20 p. m. on motion of Mr. St. John (Cullman) the Senate adjourned until Tuesday, June 29th, 1943, at 9:30 a. m.

## FIFTY-SEVENTH DAY

Tuesday, June 29, 1943.

The Senate met pursuant to adjournment Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Rev. W. W. Jeffries, of the Forest Avenue Methodist Church.

## ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Newton	Taylor
Cobb	Hornsby	Pinson	Walton

—31

## JOURNAL

On motion of Mr. Taylor, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction and all other courts of Record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

Also:

H. 93. TO AMEND SECTION 254 OF TITLE 13 OF THE ALABAMA CODE OF 1940.

Also:

H. 101. To amend Section 99, Title 21, Code 1940.

Also:

H. 173. To amend Section 912 of Title 51, Chapter 22 of the Code of Alabama of 1940.

Also:

H. 767. To provide for and authorize the closing of the County offices in Court Houses at twelve o'clock (noon), one day during each week in Counties having a population of not less than Fifty Four thousand (54,000), nor more than sixty Four (64,000) thousand, according to the last Federal census; and to authorize the Boards of Revenue, or like governing bodies of such Counties to designate and determine the day during each week when such offices may be closed.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kilborn:

S. 432. To regulate drawing of warrants on the Treasury of Mobile County or on any fund of such County, of which the Treasurer is custodian, and the signing thereof, for the payment of all salaries, wages, materials, equipment or supplies which are now or which may become a charge against Mobile County or any fund thereof, of which the Treasurer is custodian, except warrants or certificates drawn for the payment of jurors or witnesses; to provide that all such warrants shall be drawn and signed by the Chairman of the Board of Revenue and Road Commissioners and by no other officer of Mobile County and to repeal all laws in conflict herewith.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE

Notice is hereby given that a local bill for Mobile County will be introduced for passage at the present session of the Legislature of Alabama, which convened May 4, 1943, providing in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To regulate drawing of warrants on the Treasury of Mobile County or on any fund of such County and the signing thereof, for the payment of all salaries, wages, materials, equipment or supplies which are now or which may become a charge against Mobile County or any fund thereof, except warrants or certificates drawn for the payment of jurors or witnesses; to provide that all such warrants shall be drawn and signed by the Chairman of the Board of Revenue and Road Commissioners and by no other officer of Mobile County and to repeal all laws in conflict herewith.

Be It Enacted By The Legislature Of Alabama:

Section 1. That from and after the effective date of this Act all warrants drawn on the Treasury of Mobile County or on any fund of such County for the payment of all the salaries, wages, materials, supplies and equipment which are or which may become a charge against Mobile County or against any of the funds of Mobile County except warrants or certificates drawn for the payment of jurors or witnesses, shall be drawn and signed by the Chairman of the Board of Revenue and Road Commissioners of Mobile County and by no other officer of such County.

Section 2. It shall be unlawful for the Treasurer of Mobile County to honor or to pay any warrant drawn against the Treasury of Mobile County or against any fund of such County unless such warrant is drawn and signed in accordance with the provisions of this Act.

Section 3. All laws or parts of laws, whether General, Special or Local, in conflict with the provisions of this Act be and the same hereby are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor.

Wm. M. Curran being sworn, says that he is Auditor of the Mobile Press and The Mobile Register daily newspapers printed and published in the City and County of Mobile, State of Alabama; and that the attached notice Appeared in the issues of The Mobile Register, May 24-31; June 7-14th, 1943.

W. M. CURRAN,

Sworn to and subscribed before me this 19th day of June, 1943.

GREG L. KENNY,

(Seal)

Notary Public.

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Merrill (with amendment):

H. 139. To supplement the salaries of the Circuit Judges in Alabama in all judicial circuits that now or may hereafter have a population of not less than 115,000 nor more than 130,000 according to the last or any subsequent Federal census, said judicial circuits having only two judges, provided the salaries of such judges in such judicial circuits as paid by the State of Alabama shall not already be supplemented by payments from the County Treasuries of said counties, and to provide for the payment of such judges' supplemental salaries. Provided, that on and after the first Monday after the second Tuesday in January, 1947, the provisions of this Act shall be inoperative and void.

By Mr. Thomas:

H. 578. To amend section 187 of Title 13, Code of Alabama of 1940.

By Mr. Sanderson:

H. 811. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used and for the investment thereof; to provide for the payment by the State to said Department of Archives and History of the interest so earned by investment of the money deposited with the State Treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund, and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars (\$5,000) to said department.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hankins (with notice and proof):

H. 834. To confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County, Alabama throughout and Co-Extensive with Lamar County, Alabama.

By Messrs. Edwards, Gwin, Snyder, Hodo and Chichester:

H. 803. "An Act to apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one-fourth cent

on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection and payment of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act.

By Mr. Espy (with notice and proof):

S. 429. To Amend Section 3 of an Act entitled "An Act to Create the Office of Road Supervisor for Henry County, Alabama," approved November, 1932, (H-536) as amended by an Act of the legislature approved September 9, 1935 (H-578) entitled, "An Act to Amend Sections 2, 3, and 5 of an Act entitled, 'An Act to Create the Office of Road Supervisor for Henry County, Alabama; (H-536) approved November 4, 1932,'" as amended by an Act of the legislature approved September 1, 1939, (H-567) entitled "An Act to Amend an Act entitled, 'An Act to Create the Office of Road Supervisor for Henry County, Alabama; approved November 1932,'" so as to fix the salary of said Road Supervisor.

By Messrs. Johnston, Stone and Sullivan:

H. 831. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330, by setting aside or appropriating for such purpose one-half of the moneys derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of said firemen and policemen may be increased", approved March 4, 1937.

By Mr. Kilborn:

S. 430. To provide a County Board of Equalization in all Counties which now or may hereafter have a population of not less than 140,000 nor more than 400,000 according to the last or any subsequent Federal census, to prescribe the manner of appointment of such Board, to fix the compensation and manner of payment thereof and terms of office of the members of the Board, to prescribe an oath of office for said members, to provide for the Tax Assessor to serve as Secretary of such Board, to provide for the employment of personnel by such Board, to provide the compensation of such personnel, to provide for the making of an inventory and appraisalment of property by the Board, to provide for offices, supplies, equipment, and expenses for the Board and the method of payment of said expenses, to provide a budget for the operation of the Board, to provide for the apportionment of the cost of the inventory and appraisalment by the Board, to provide custody of the

funds appropriated to or contributed to the Board, and the method of expending such appropriations or contributions, to provide for the election of a chairman of the Board, to provide for the making of rules and regulations by the Board, to provide for the valuation of property by the Board, to provide for the duties of the Board, to provide for an equalization of taxes by the Board, to provide a method of procedure, and to provide for the repeal of all or parts of laws in conflict herewith, and to provide for an effective date for this Act.

By Mr. Kilborn:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census.

By Mr. Sessions (with notice and proof):

H. 830. To authorize the City of Birmingham to provide relief for certain employees.

By Messrs. Gwin, Smyer, Chichester, Edwards and Hodo:

H. 832. To amend Sections 137 and 144 of Title 12 of the Code of Alabama of 1940.

By Mr. St. John (of Lawrence) (with notice and proof):

S. 431. To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hodo and Sessions (by request):

H. 745. For the relief of Glenn Davis.

By Mr. Tucker:

H. 647. To amend Section 642 of Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 632. To amend Section 555 of Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 631. To amend Section 556 of Title 51 of the Code of Alabama of 1940.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session,



had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Johnston (of Mobile):

H. 153. To amend Section 71, Title 36, Code 1940.

By Mr. Espy:

S. 368. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

By Mr. Wood:

H. 351. To amend Section 66, of Title 36, of the Code of Alabama, of 1940.

By Mr. Wood:

H. 352. To repeal Section 57, of Title 36, of the Code of Alabama, of 1940.

By Messrs. Byars and Coburn:

H. 366. To amend Section 702, Title 51, Code 1940.

By Mr. Walker:

H. 761. To amend Section 25 of Title 23 of the Code of Alabama, 1940.

Mr. Hill, Vice-Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wood:

H. 353. To amend Section 56, of Title 36, of the Code of Alabama of 1940.

By Mr. Wood:

H. 354. To amend Section 55, of Title 36, of the Code of Alabama of 1940.

Mr. Taylor, Chairman of the Standing Committee on Fish and Game, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Beebe:

H. 713. To amend Section 139 of Title 8 of the Code of Alabama of 1940.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolutions:

By Mr. Walton:

S. J. R. 65. Relative to House Bill No. 1 being designated as the Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan Bill.

By Mr. Hill:

S. J. R. 66. Relative to House Bill No. 66 being designated as the Bentley-Smyer Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 69. Be it resolved by the House, the Senate concurring, that Senate Bill No. 341, creating a Department of Labor of the State of Alabama, etc., be known as the Bradford-Gullatt-Taylor Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The resolution, H. J. R. 69, which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Sanderson:

H. 110. To amend Section 22 Chapter 2, Title 34 of the Code of Alabama, 1940.

And sends same herewith without engrossment to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 110, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smyer, Gwin, Edwards, Sessions, Chichester, Hodo and Snyder:

H. 836. To require all county officers on a salary basis in counties having a population of one hundred and forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

By Mr. Dobbs of Fayette:

H. 798. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,977 inhabitants and not more than 21,912 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 836, to the Committee on Local Legislation.

H. 798, to the Committee on Judiciary.

BILLS REMOVED FROM ADVERSE CALENDAR AND  
PLACED ON REGULAR CALENDAR

In accordance with the notice given on yesterday, and on motion of Mr. Walton, the bill:

S. 13. To repeal Sections 5, 6, 7, 8, 9, 10 and 11 of Title 17 of the Code of Alabama 1940.

Was ordered removed from the Adverse Calendar and placed on the Regular Calendar.

Yeas, 24; Nays, 2.

*Yeas:*

Messrs.:	Dodson	Hill	McCary
Benson	Espy	Hornsby	Newton
Bentley	Garrett	Jones	Pinson
Bradford	Goodwin	Kilborn	St. John (Lawrence)
Carlton	Henderson	Lawson	Taylor
Cater	High	Madison	Walton
Cobb			—24

*Nays:* Messrs.: Shaver and Simpson

—2

Also in accordance with notice given on yesterday, and on motion of Mr. Walton, the bill:

S. 12. To repeal Sections 417, 418, 419, 420, 421, 422, 423 and 424 of Title 17 of the Code of Alabama, 1940.

Was ordered removed from the Adverse Calendar and placed on the Regular Calendar.

Yeas, 21; Nays, 3.

*Yeas:*

Messrs.:	Dodson	Hornsby	McCary
Benson	Espy	Jones	Pinson
Bentley	Garrett	Kilborn	St. John (Lawrence)
Bradford	Goodwin	Lawson	Taylor
Cater	Henderson	Madison	Walton
Cobb	Hill		—21

*Nays:* Messrs.: St. John (Cullman), Shaver and Simpson

—3

Also in accordance with notice given on yesterday, and on motion of Mr. Walton, the bill:

S. 11. To repeal Sections 57, 58, 59, 60, 61, 62, 63, and 64 of Title 17 of the Code of Alabama, 1940.

Was ordered removed from the Adverse Calendar and placed on the Regular Calendar.

Yeas, 19; Nays, 3.

*Yeas:*

Messrs.:	Cater	Hill	McCary
Benson	Cobb	Hornsby	Pinson
Bentley	Dodson	Jones	St. John (Lawrence)
Bradford	Espy	Kilborn	Taylor
Carlton	Goodwin	Madison	Walton

—19

*Nays:* Messrs.: St. John, (Cullman) Shaver and Simpson

—3

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cater, further consideration of the bill: S. 396, was indefinitely postponed by the Senate.

## ACTUARIAL SURVEY COMMISSION APPOINTED

In accordance with the provisions of House bill 389, which has passed both houses of the Legislature, the President and Presiding Officer of the Senate appointed Messrs. St. John (Lawrence) and Walton as members of the Actuarial Survey Commission on the part of the Senate.

## BILLS ON THIRD READING .

## The bill:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Dodson	Jones	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	McCary	Taylor
Carlton	High	Newton	Walton
Cater	Hill	Pinson	

—26

*Nays:*

—0

The bill:

S. 402. To amend Section 155, Title 55, of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	Newton
Bensor.	Cobb	Hornsby	St. John (Lawrence)
Bentley	Dodson	Jones	Smith
Black	Espy	Kilborn	Taylor
Carlton	Goodwin	Lawson	Walton

—19

Nays:

—0

The bill:

S. 289. To amend Section 46 of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of the State of Alabama, of wills previously admitted to probate and record in the courts of other states, territories, districts and countries subject to the jurisdiction of the United States of America, and of foreign countries not subject to the jurisdiction of the United States of America.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 46 of Title 61 of the 1940 Code of Alabama, to provide for the probate and record in the courts of The State of Alabama, of wills previously admitted to probate and record in the courts of other states, territories, districts and countries subject to the jurisdiction of The United States of America, and of foreign countries not subject to the jurisdiction of The United States of America.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 46 of Title 61 of the 1940 Code of Alabama be and the same is hereby amended, so as to read as follows: Section 46, (10620) (6191) (4282) (1985) (2313) (1949) (1630). HOW WILL PROVED OUT OF PROBATED IN THIS

STATE. When the testator was not, at the time of his death, an inhabitant of this state, and his will has been duly proved in any other state or country, it may be admitted to probate in the proper court of this state in the manner following:

(1) If the will has been admitted to probate out of the state, but within the United States, such will, or copy of the same, and the probate thereof must be certified and authenticated as provided in Section 905 Revised Statutes of the United States.

(2) If the will has been admitted to probate out of the United States, such will, or a copy of the same, with the probate thereof, must be certified by the clerk, or other officer, by whatever name called, of the court in which the will was proved, with the certificate of the judge, or one of the judges of such court, that the attestation is genuine; and if the will is proved before a court having no clerk, or an officer who is his own clerk, the judge of such court or officer must so certify, and in that case the attestation must be certified to be genuine by the judge of any court of record, or the mayor or chief magistrate of any town, city, county, or borough, or by any diplomatic, consular, or commercial agent of the United States.

(3) Upon the presentation to the probate judge of any such will, authenticated as herein provided he shall, without notice or further proceedings, enter a decree admitting said will to probate and record the same together with the certificate of probate in a record kept for that purpose.

Section 2. All statutes, acts and laws, and all parts of statutes, acts and laws, in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 3. If any section, subdivision, clause or provision of this Act shall be held to be unconstitutional or otherwise invalid, for any reason or cause whatsoever, such unconstitutionality or invalidity shall not render invalid any other section, subdivision, clause or provision hereof not in and of itself subject to such constitutional or other objection or invalidity, but all other sections, subdivisions, clauses and provisions hereof, not in and of themselves subject to such constitutional or other objection or invalidity, shall be and remain in full force and effect.

Mr. St. John (Cullman) moved that further consideration of the bill and pending substitute be indefinitely postponed, which motion was laid on the table on motion of Mr. Walton.

Yeas, 20; Nays, 8.

*Yeas:*

Messrs.:	Black	Cater	Espy
Benson	Bradford	Cobb	Garrett
Bentley	Carlton	Dodson	Goodwin

Hill	Kilborn	McCary	Taylor	
Hornsby	Lawson	Smith	Walton	
Jones				—20

*Nays:*

Messrs.:	Pinson	St. John (Lawrence)	Sherrer	
Madison	St. John (Cullman)	Shaver	Simpson	
Newton				—8

And the substitute for the bill, was then adopted.

Yeas, 19; Nays, 8.

*Yeas:*

Messrs.:	Carlton	Garrett	Kilborn	
Benson	Cater	Goodwin	McCary	
Bentley	Cobb	Hill	Smith	
Black	Dodson	Hornsby	Taylor	
Bradford	Espy	Jones	Walton	—19

*Nays:*

Messrs.:	Newton	St. John (Cullman)	Shaver	
Lawson	Pinson	St. John (Lawrence)	Simpson	
Madison				—8

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 20; Nays, 8.

*Yeas:*

Messrs.:	Cater	Goodwin	McCary	
Benson	Cobb	Hill	Sherrer	
Bentley	Dodson	Hornsby	Smith	
Black	Espy	Jones	Taylor	
Bradford	Garrett	Kilborn	Walton	
Carlton				—20

*Nays:*

Messrs.:	Newton	St. John (Cullman)	Shaver	
Lawson	Pinson	St. John (Lawrence)	Simpson	
Madison				—8

## REPORT ON COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled Senate joint resolutions with the original Senate joint resolutions, respectively, and finds same correctly enrolled, to-wit:



S. J. R. 65. Relative to: House Bill No. 1. be known as the Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan Bill.

Also:

S. J. R. 66. Relative to: House Bill #66 be known as the Bentley-Smyer Act.

Sam High,  
Chairman.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pill:

H. 258. To authorize the creation and establishment of regional housing authorities by two or more counties and consolidated housing authorities by two or more municipalities; to define certain terms and the rights, powers and immunities of such authorities; to provide for the appointment and meetings of commissioners of housing authorities; to define the areas of operation of housing authorities and provide for changing certain of such areas; to define certain security for certain obligations of housing authorities; to authorize housing authorities to join or cooperate with one another and with municipalities; to make obligations of certain housing authorities legal investments and security for deposits; to authorize municipalities and other public bodies to cooperate with housing authorities; to provide that projects of county and regional housing authorities for persons of low income in rural areas shall not be subject to certain restrictions on tenant selection; and to repeal Section Fourteen (14) and Forty (40) of Title 25 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 258, to the Committee on County and County Boundaries.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Harris:

H. 523. To Amend Section 429 of Title 51, Code of 1940.

Also:

By Mr. Smyer:

H. 529. To provide that amortization of war or emergency facilities shall be a deductible allowance in determining net income for State income tax purposes.

Also:

By Mr. White:

H. 602. To amend Section 589 of Title 51, Article 1 of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee as follows:

House bills, 523, 529 and 602, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Pill:

H. 257. To declare valid and legal the creation, establishment and organization of housing authorities, and all bonds, notes, agreements and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken or done with reference thereto.

Also:

By Mr. Hodges:

H. 837. To provide that the Court of County Commissioners or Board of Revenue or other governing body of St. Clair County, Alabama, having two Court Houses in which the Judge of Probate

is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA  
ST. CLAIR COUNTY

NOTICE is hereby given that at the present session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that the Court of County Commissioners or Board of Revenue or other governing body of St. Clair County, Alabama, having two Court Houses in which the Judge of Probate is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury.

Be it Enacted by the Legislature of Alabama:

Section 1. That The Court of County Commissioners or Board of Revenue or other governing body in St. Clair County, Alabama, in which the Judge of Probate is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury, which said sum to be paid shall be fixed by the Probate Judge of said County and approval by the Court of County Commissioners upon a warrant drawn by the Probate Judge on the general funds of the County payable to said Clerk for such monthly salary.

Section 2. That this act shall take effect immediately upon its passage and approval by the Governor.

6: 3 10-17-24-43.

STATE OF ALABAMA,  
COUNTY OF ST. CLAIR.

Before me, Irene E. Hodges, a Notary Public in and for said State and County, this day personally appeared, B. B. Cather, who being by me first duly sworn, deposes and says that he is the Editor and Owner of The Southern Aegis, a newspaper of general circulation published in St. Clair County, Alabama; that the above and foregoing notice was published once a week for

four consecutive weeks in The Southern Aegis, on towit, June 3, 1943, June 10, 1943, June 17, 1943, June 24, 1943.

B. B. CATHER,  
Editor and Owner of The Southern Aegis.

Sworn to and subscribed before me this the 24th day of June, 1943.

IRENE E. HODGES,  
Notary Public, St. Clair County, Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

H. 257, to the Committee on County and County Boundaries.

H. 837, to the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sullivan:

H. 813. To appropriate Sixty-Five Thousand Dollars for the purpose of providing voting machines for the use of members of the House of Representatives of the State of Alabama.

Also:

By Mr. Bagley and Mr. White:

H. 653. To amend Section 789, Title 51, of the Code of Alabama of 1940.

Also:

By Mr. Pill:

H. 259. To aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to co-operate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; and to make obligations issued for such projects of housing authorities legal investments and security for deposits.

Also:

By Mr. Chichester:

H. 480. To amend Section 834, Title 51 of the Code of Alabama of 1940.

Also:

By Mr. Norman of Bullock:

H. 547. To amend Section 312, Title 51, of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees as follows:

House bills, 813, 653, 480, 547, to the Committee on Finance and Taxation.

H. 259, to the Committee on County and County Boundaries.

### BILLS ON THIRD READING RESUMED

The bill:

S. 418. To authorize and empower Courts of County Commissioners, Boards of Revenue, or courts of like jurisdiction in all counties of the State to expend county funds not exceeding \$8,000.00 per annum for purposes not otherwise provided for by law.

Was taken up.

Mr. Hill offered the following amendment to the bill, to-wit:

Amend Senate Bill No. 418 by striking therefrom the figure \$8,000.00 wherever same appears in said bill, and insert in lieu thereof the figures \$1,000.00.

Which was adopted.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Carlton	High	McCary	Smith
Cater	Hill	Pinson	Taylor
Cobb	Hornsby	St. John (Cullman)	Walton

—27

*Nays:*

—0

Messrs. Cater and Kilborn offered the following amendment to the bill, to-wit:

Amend Senate Bill 418 by inserting in the title, immediately after the words "all counties" the words "with not over 140,000 population" and further amend said bill by inserting just after Section 2 an additional section 2(a) as follows:

Section 2 (A) The provisions of this act shall not apply to any county which has a population of more than 140,000 according to the last or any subsequent federal census nor shall the provisions of this act be construed to repeal any local act.

Which was adopted.

• Yeas, 24; Nays, 1.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Carlton	High	Madison	Smith
Cater	Hill	Pinson	Taylor
Cobb	Hornsby	St. John (Cullman)	Walton
Dodson			

—24

*Nay:* Mr. McCary

—1

Mr. Smith offered the following amendment to the bill, to-wit:

To amend Senate Bill 418 by striking the figure \$1,000.00 where it appears therein and add in place thereof \$500.00.

And on motion of Mr. Cater said amendment was laid on the table.

Yeas, 15; Nays, 11.

*Yeas:*

Messrs.:	Cater	Goodwin	Jones
Bentley	Cobb	High	Lawson
Black	Dodson	Hill	Madison
Carlton	Espy	Hornsby	Taylor

—15

*Nays:*

Messrs.:	Kilborn	St. John (Cullman)	Simpson
Benson	McCary	St. John (Lawrence)	Smith
Garrett	Pinson	Shaver	Walton

—11

Mr. Cobb offered the following amendment to the bill, to-wit:

Amend Senate Bill 418 by adding the following:

Senate 2B: This act shall not apply to counties of less than 25,000 population.

And on motion of Mr. Cater, said amendment was laid on the table.

Yeas, 18; Nays, 6.

*Yeas:*

Messrs.:	Cater	Hill	Madison	
Benson	Espy	Hornsby	Pinson	
Bentley	Garrett	Jones	Simpson	
Black	Goodwin	Kilborn	Smith	
Carlton	High	Lawson		—18

*Nays:*

Messrs.:	Dodson	Shaver	Walton	
Cobb	McCary	Taylor		—6

Mr. McCary offered the following amendment to the bill, to-wit:

Amend Senate Bill 418 by striking the figure "140,000" where it appears in the caption of said bill and in Section 2 A of said bill and inserting in lieu thereof the following: "60,000"

Mr. St. John (Lawrence) moved that further consideration of the bill, as amended, and pending amendment be indefinitely postponed.

Mr. Hill moved to table the motion to indefinitely postpone, which motion was lost.

Yeas, 13; Nays, 13.

*Yeas:*

Messrs.:	Cater	Hornsby	Madison	
Bentley	Espy	Jones	Newton	
Black	High	Lawson	Taylor	
Carlton	Hill			—13

*Nays:*

Messrs.:	Garrett	St. John (Cullman)	Simpson	
Benson	Kilborn	St. John (Lawrence)	Smith	
Cobb	McCary	Shaver	Walton	
Dodson	Pinson			—13

The question then recurred on the motion of Mr. St. John (Lawrence) to indefinitely postpone, which motion was lost.

Yeas, 10; Nays, 18.

*Yeas:*

Messrs.:	Dodson	Pinson	Shaver	
Benson	Garrett	St. John (Cullman)	Simpson	
Cobb	McCary	St. John (Lawrence)		—10

*Nays:*

Messrs.:	Cater	Jones	Newton	
Bentley	Espy	Kelly	Smith	
Black	High	Kilborn	Taylor	
Bradford	Hill	Lawson	Walton	
Carlton	Hornsby	Madison		—18

The question then recurred on the amendment offered by Mr. McCary, which amendment was laid on the table on motion of Mr. Cater.

Yeas, 22; Nays, 5.

*Yeas:*

Messrs.:	Cater	Hill	Newton	
Benson	Cobb	Hornsby	Simpson	
Bentley	Dodson	Jones	Smith	
Black	Espy	Kelly	Taylor	
Bradford	Henderson	Kilborn	Walton	
Carlton	High	Madison		—22

*Nays:*

Messrs.:	Pinson	St. John (Lawrence)	Shaver	
McCary	St. John (Cullman)			—5

Mr. Benson offered the following amendment to the bill, to-wit:

To amend S. B. 418 by striking the figure \$1,000 and adding in lieu thereof \$600.

And on motion of Mr. Bradford, said amendment was laid on the table.

Yeas, 15; Nays, 13.

*Yeas:*

Messrs.:	Carlton	High	Lawson	
Bentley	Cater	Hill	Madison	
Black	Espy	Hornsby	Newton	
Bradford	Henderson	Kelly	Taylor	
				—15

*Nays:*

Messrs.:	Jones	St. John (Cullman)	Simpson	
Benson	Kilborn	St. John (Lawrence)	Smith	
Cobb	McCary	Shaver	Walton	
Dodson	Pinson			—13

Mr. McCary also offered the following amendment to the bill, to-wit:

Amend Senate Bill 418 by striking out the figure 140,000 wherever it appears therein:



Which amendment was laid on the table, on motion of Mr. Hill. Mr. McCary, then moved that the Senate recess until 3 o'clock this afternoon, and on motion of Mr. Kilborn said motion was laid on the table.

Yeas, 23; Nays, 4.

*Yeas:*

Messrs.:	Cater	High	Madison
Benson	Cobb	Hill	Newton
Bentley	Dodson	Hornsby	Pinson
Black	Espy	Jones	St. John (Cullman)
Bradford	Goodwin	Kilborn	St. John (Lawrence)
Carlton	Henderson	Lawson	Walton

—23

*Nays:* Messrs.: McCary, Simpson, Smith and Taylor

—4

Mr. St. John of Cullman offered the following amendment to the bill, to-wit:

Amend S. B. 418 by adding to Section 2 the following "In Cullman County, Colbert County, Lawrence County and Calhoun County the amount to be expended hereunder shall be \$500.00"

Mr. Hill moved to lay said amendment on the table, which motion was lost.

Yeas, 14; Nays, 15.

*Yeas:*

Messrs.:	Carlton	Goodwin	Jones
Bentley	Cater	High	Kelly
Black	Cobb	Hill	Lawson
Bradford	Espy	Hornsby	

—14

*Nays:*

Messrs.:	Henderson	Pinson	Simpson
Benson	Kilborn	St. John (Cullman)	Smith
Dodson	Madison	St. John (Lawrence)	Taylor
Garrett	McCary	Shaver	Walton

—15

And the amendment offered by Mr. St. John (Cullman) was then adopted.

Yeas, 17; Nays, 13.

*Yeas:*

Messrs.:	Henderson	Pinson	Simpson
Benson	Kelly	St. John (Cullman)	Smith
Cobb	Kilborn	St. John (Lawrence)	Taylor
Garrett	Madison	Shaver	Walton
Goodwin	McCary		

—17

*Nays:*

Messrs.:	Carlton	High	Jones
Bentley	Cater	Hill	Lawson
Black	Dodson	Hornsby	Newton
Bradford	Espy		

• —13

And said bill, as thus amended, was then read a third time at length and passed. •

Yeas, 24; Nays, 7.

*Yeas:*

Messrs.:	Cobb	Hill	Newton
Benson	Espy	Hornsby	Pinson
Bentley	Garrett	Jones	Shaver
Black	Goodwin	Kelly	Sherrer
Bradford	Henderson	Kilborn	Simpson
Carlton	High	Lawson	Smith
Cater			

—24

*Nays:*

Messrs.:	Madison	St. John (Cullman)	Taylor
Dodson	McCary	St. John (Lawrence)	Walton

—7

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Locke:

H. 779. To amend Section 742 of Title 7 of the Code of Alabama of 1940.

By Mr. Duffee:

H. 756. To amend Section 729 of Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. 779, to the Committee on Judiciary.

H. 756, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bagley & White:

H. 567. To amend Section 755, Title 51, of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 567, to the committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Boswell:

H. 706. To define bookmakers and bookmaking and to prohibit the same in the State of Alabama, and to prohibit the use of telephone and telegraph wires for the transmission of information to be used in the conduct of bookmaking establishments and provide punishment for violation thereof.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 706, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Ard:

H. 726. To amend Section 595, Title 7, of the Code of Alabama of 1940.

Also:

By Mr. Ard:

H. 728. To authorize the State Department of Revenue, during the existing emergency, with the approval of the Governor, to adopt and promulgate rules and regulations for the issuance and use of stamps, or other substitute device, in lieu of motor vehicle license tags or plates now required to be issued upon the registration of motor vehicles, or in connection with the issuance of licenses for the operation thereof, which are now required by law to be placed upon motor vehicles operated on the public highways, or for the use of such stamps or substitute device in connection with any such motor vehicle tag or plate; and to provide for the enforcement of such rules and regulations, and punishment for a violation thereof.

Also:

By Mr. Ard:

H. 727. To amend Section 536, Title 7, of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. 726 and H. 727, to the Committee on Judiciary.

H. 728, to the Committee on Finance and Taxation.

#### RECESS

At 1:00 P. M., on motion of Mr. Carlton, the Senate took a recess until 3:15 P. M.

## FIFTY-SEVENTH DAY—AFTERNOON SESSION

Tuesday, June 29, 1943.

The Senate re-assembled at 3:15 o'clock, P. M., Lieutenant-Governor Ellis, presiding.

## ROLL CALL

Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

—32

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McIlwain:

H. 200. To repeal Sections 246, 247, 249 and 250, Title 13, Code of Alabama 1940.

By Mr. Sanderson:

H. 111. To amend Section 95, Title 51, Code 1940.

By Mr. Snyder:

H. 528. To amend Section 132 of Title 62 of the Code of Alabama of 1940.

By Mr. Beebe:

H. 612. To amend Section 110 of Title 11, Code of Alabama, 1940.

By Messrs. Johnston and Stone:

H. 618. To amend Section 63 of Title 14, Code of Alabama, 1940.

By Messrs. Johnston and Stone:

H. 619. To amend Section 64 of Title 14, Code of Alabama, 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Christopher:

H. 615. To authorize the State of Alabama to appropriate and to pay to J. E. Clem of Athens, Alabama the sum of \$500.00 to reimburse the said J. E. Clem, for hospital and doctors bills and medicine bills, and loss of time, and the permanent loss of the use of his right arm, on account of being run over by a State Highway Patrol car being driven by R. A. Troupe, a State Highway Patrolman, acting in the line of his duty, on the 5th day of February 1942, in the City of Athens, Alabama.

By Mr. Thomas:

H. 490. To amend Section 848, and 849, Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 635. To amend Section 647 of Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 634. To repeal Section 389 of Title 51 of the Code of Alabama of 1940.

By Mr. Dearman:

H. 702. To amend Section 684 of Title 51 of 1940 Code of Alabama.

By Mr. Frazier:

H. 765. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, Alabama; and to provide an appropriation therefor.

By Messrs. Chichester and Edwards:

H. 826. "An Act to apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are wet counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, col-

lection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act; to repeal any existing ordinances or statutes in conflict with the provisions of this Act.

By Mr. Norman (of Bullock):

H. 498. To amend Section 781, Title 51, Code of Alabama of 1940.

By Mr. Tucker:

H. 593. To amend Section 658, Title 51 of the Code of Alabama of 1940.

By Mr. Tucker:

H. 594. To amend Section 658, Title 51 of the Code of Alabama of 1940.

By Mr. Tucker:

H. 594. To amend Section 640, Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 636. To amend Section 631 of Title 51 of the Code of Alabama of 1940.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

H. 357. To authorize any incorporated municipality in this state and any water works board operating in such municipality to contract with each other to provide for the operation and management by such board, as agent of such municipality, of any sewer system in such municipality, and in aid of such operation to authorize such board to discontinue service to any water customer upon failure by such customer to pay any charge for service by or from such sewer system.

By Mr. Stewart:

H. 704. To amend Section 428, Title 37, Code of 1940.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, has compared the follow-

ing engrossed bill with the original bill and finds same correctly engrossed, to-wit:

S. 418. To authorize and empower Courts of County Commissioners, Boards of Revenue, or courts of like jurisdiction in all counties with not over 140,000 population of the State to expend county funds not exceeding \$1,000.00 per annum for purposes not otherwise provided for by law.

Orlan B. Hill,  
Chairman.

#### RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 73. BE IT RESOLVED by the Senate that for the remainder of this Legislative Day it consider the bills in the following order:

- (1) All Senate Bills on the Calendar in their Order.
- (2) All Local Bills and all Local Bills, that are general in form and applicable to one County only, in their order.
- (3) The following Bills in the order herewith setforth.

House Bill No.	Page No.
800	25
725	22
311	2
408	12
536	32
375	11
451	18
452	19
824	21
199	21
71	2
236	6
50	2
49	2
431	9
674	21
705	32

BT IT FURTHER RESOLVED by the Rules Committee that they will set the Special Order for the next Legislative Day.

Which was adopted.



## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. St. John (Cullman), further consideration of the bill. S. 320, was indefinitely postponed by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Jackson of Tallapoosa:

H. 420. To provide that the Sheriff of any County in Alabama shall be paid the same fees for attending non-jury Civil Courts as in jury Civil Courts and for attending upon jury and non-jury criminal courts as in July civil Courts.

Also:

By Mr. Jackson of Tallapoosa:

H. 421. To provide for the fees and mileage to be paid to the Sheriffs of the several Counties of Alabama for taking into custody persons charged with being of unsound mind, and fixing the same fees for feeding insane prisoners as are allowed by the State for the feeding of other State prisoners.

Also:

By Mr. Locke:

H. 534. To amend Section 712 Title 51, Code of Alabama, 1940.

Also:

By Mr. Locke:

H. 535. To amend Section 847, Title 51, Code of Alabama, 1940.

Also:

By Mr. Locke:

H. 411. To amend Section 709, Title 37, Code 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

House bills 420 and 421, to the Committee on Judiciary.

House bills 534, 535 and 411, to the Committee on Finance and Taxation.

#### BILLS ON THIRD READING

The bill:

H. 652. An Act to provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Lawrence)
Bensor.	Espy	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Black	Henderson	Madison	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb			

—28

*Nays:*

—0

The bill:

S. 378. To provide for Teaching Spelling and Teaching Arithmetic in the High Schools of Alabama, and penalties for violating provisions of this Act.

Was taken up.

Mr. Madison offered the following amendment to the bill, to-wit:

Amend Senate Bill 378 by adding after the word "Alabama" and before the word "and" in the second line of the title the following: "and to make an appropriation therefor".

Further amend Senate Bill 378 by adding Section 3½ to read as follows:

Section 3½. There is hereby appropriated out of the War Emergency Fund, on the approval of the Governor, the sum of \$1,500,000.00 for the purpose of salary increases for elementary and high school teachers to better enable them to teach spelling and arithmetic without continual financial worry.

Mr. Carlton moved that further consideration of the bill, and pending amendment, be indefinitely postponed by the Senate.

Mr. Walton moved to lay the motion to indefinitely postpone on the table. which was lost.

Yeas, 14; Nays, 14.

*Yeas:*

Messrs.:	Dodson	Kelly	Smith	
Bentley	Garrett	Madison	Taylor	
Black	Hill	McCary	Walton	
Cobb	Hornsby	Newton		—14

*Nays:*

Messrs.:	Goodwin	Lawson	Shaver	
Benson	High	Pinson	Simpson	
Carlton	Jones	St. John (Cullman)	Toomer	
Cater	Kilborn	St. John (Lawrence)		—14

The question then recurred on the motion to indefinitely postpone, and said bill, and pending amendment, was indefinitely postponed.

The bill:

S. 423. To amend Section 68, Title 52, of the Code of Alabama of 1940.

Was taken up.

Mr. St. John (Lawrence) offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 68, Title 52, of the Code of Alabama of 1940.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 68, Title 52, of the Code of Alabama 1940 be amended so as to read as follows:

“Section 68. Compensation. The members of the county board of education shall receive from the public school funds of the county five dollars a day and their actual traveling and hotel expenses incurred in attending meetings of the board, and transacting the business of the board. The members of the county board shall not be allowed pay for more than eighteen days in any one year, and their expenses shall be paid in like manner as provided for the compensation of teachers. They shall not be required to hold teachers’ certificates.

Section 2. That the Act shall effect upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Simpson	
Benson	Espy	Madison	Smith	
Bentley	Hill	McCary	Taylor	
Black	Hornsby	Newton	Toomer	
Carlton	Jones	St. John (Cullman)	Walton	
Cobb	Kelly	St. John (Lawrence)		—22

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 1.

*Yeas:*

Messrs.:	Dodson	Jones	Newton	
Benson	Espy	Kelly	St. John (Cullman)	
Bentley	Garrett	Kilborn	St. John (Lawrence)	
Black	Goodwin	Lawson	Smith	
Carlton	Hill	Madison	Taylor	
Cater	Hornsby	McCary	Walton	
Cobb				—24

*Nay:* Mr. Simpson

—1

The bill:

S.424. To amend Section 439 of Title 37 of the Code of Alabama, 1940.

Was read a third time at length and lost.

Yeas, 5; Nays, 22.

*Yeas:* Messrs.: Benson, Black, High, Hill and Hornsby —5

*Nays:*

Messrs.:	Goodwin	McCary	Simpson	
Bentley	Jones	Newton	Smith	
Cobb	Kelly	Pinson	Taylor	
Dodson	Kilborn	St. John (Cullman)	Toomer	
Espy	Lawson	St. John (Lawrence)	Walton	
Garrett	Madison	Sherrer		—22

The bill:

S. 395. To require the registration of all lobbyists, and penalties for violation of this Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 16; Nays, 9.

*Yeas:*

Messrs.:	Dodson	Lawson	Sherrer
Bentley	Espy	Madison	Simpson
Black	Hill	Newton	Smith
Bradford	Hornsby	St. John (Lawrence)	Walton
Cobb			

—16

*Nays:*

Messrs.:	Goodwin	Kilborn	St. John (Cullman)
Cater	High	Pinson	Toomer
Garrett	Jones		

—9

The bill:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 21; Nays, 7.

*Yeas:*

Messrs.:	Cater	Jones	St. John (Cullman)
Benson	Dodson	Kelly	Shaver
Bentley	Garrett	Kilborn	Taylor
Black	Goodwin	Lawson	Walton
Bradford	High	Madison	
Carlton	Hornsby	Pinson	

—21

*Nays:*

Messrs.:	McCary	St. John (Lawrence)	Smith
Hill	Newton	Simpson	Walton

—7

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Locke:

H. 537. To amend Section 47, Title 17, Code of Alabama, 1940.

Also:

H. 553. To repeal Sections 145 to 162, inclusive, of Title 28 of the Code of Alabama of 1940, and to provide that such repeal shall not affect the obligation of any life insurance company organized under the laws of this State to maintain with respect to all registered policies heretofore issued by it under the provisions of said sections so repealed the deposits now required with respect to such registered policies or the right of any such company to make additional deposits or to increase such deposits or to withdraw ex-

cess deposits or to collect and receive the income, interest coupons, rents and profits on the securities so deposited or any of the rights, duties and obligations of the Superintendent of Insurance and the State Treasurer, respectively, with reference to all such deposits, all as now provided by any and all of said sections.

Also:

By Mr. Hooton:

H. 664. To amend Section 70 of Title 30 of the 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. 537 and 664, to the Committee on Judiciary.

H. 553, to the Committee on Insurance.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Sullivan (by request):

H. 475. To Amend Sections 130, 137, 139, 140, 141, 143, 144, 145, 149 and 150 of Title 46, of the Code of Alabama of 1940.

Also:

By Mr. Segrest:

H. 666. To amend Section 335 of Title 55 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. 475, to the Committee on Finance and Taxation.

H. 666, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated the passed the following bill:

By Mr. McGinty:

H. 184. To Repeal Section 62 of Title 8 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 184, to the Committee on Judiciary .

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Newton, further consideration of the bill: S. 413, was indefinitely postponed by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Chichester:

H. 290. To authorize any city to provide by ordinance testing stations for the purpose of testing the mechanism and equipment of motor vehicles owned or operated in such city, to fix the amount of fees for each such test, to allocate such fees to pay the costs and expenses arising therefrom, to make the use of the streets, alleys and highways dependent on compliance with such ordinance, to provide stickers to be placed on motor vehicles indicating such inspection, to impose on the director of public safety of Alabama the supervision and control over the type of test and facilities therefor, to authorize any such city to use the earnings arising from such stations operated by it to pay for the same and for the equipment, maintenance and operation thereof, to fix the extent and scope of such inspection, and to enforce such ordinance by fine and im-

prisonment, and by seizure and impounding of motor vehicles not inspected in accordance with the terms of such ordinance.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 290, to the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Coburn:

H. 804. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at LaGrange, in Colbert County, the site of the first chartered college in Alabama; and to provide an appropriation therefor.

Also:

By Mr. Coburn:

H. 23. To amend Section 297 of Title 13 of the 1940 Code of Alabama:

Also:

By Mr. Coburn:

H. 24. To amend Section 295 of Title 13 of the 1940 Code of Alabama:

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. 804, to the Standing Committee on Finance and Taxation.

H. 23 and H. 24 to the Standing Committee on Judiciary.



## BILLS ON THIRD READING RESUMED

The bill:

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 32, Title 15, Code of Alabama of 1940.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 325, Title 15, Code of Alabama of 1940, be and the same is hereby amended so as to read as follows:

The only legal punishments, besides removal from office and disqualification to hold office, are fines, hard labor for the county, imprisonment in the county jail, imprisonment in the penitentiary, which includes hard labor for the state, and death by electrocution. And in all cases in which the period of imprisonment in the penitentiary or hard labor for the county is more than two years, the judge must sentence the party to imprisonment in the penitentiary; and in all cases of conviction for felonies, in which such imprisonment or hard labor is for more than twelve months, and not more than two years, the judge may sentence the party to imprisonment in the penitentiary, or confinement in the county jail, or to hard labor for the county, at his discretion, any section of this Code to the contrary notwithstanding; and in all cases in which the imprisonment or sentence to hard labor is twelve months or less, the party must be sentenced to imprisonment in the county jail, or to hard labor for the county. Provided however that in counties having a population of one hundred forty thousand or more according to the last or any subsequent Federal census prisoners sentenced to imprisonment in the county jail may be worked at hard labor within the confines of the jail at the discretion of the sheriff.

Section 2. This act shall become effective upon its passage and approval by the governor.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	High	Lawson	Shaver
Bentley	Hill	McCary	Simpson
Bradford	Hornsby	Newton	Smith
Cater	Jones	Pinson	Taylor
Dodson	Kelly	St. John (Cullman)	Toomer
Garrett	Kilborn	St. John (Lawrence)	Walton
Goodwin			

—24

*Nays:*

—0

And said bill, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Lawson	Shaver
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Toomer
Dodson	Kelly	St. John (Lawrence)	Walton
Garrett	Kilborn		

—26

*Nays:*

—0

*The bill:*

H. 345. To provide for the distribution and expenditure of the net funds received by Morgan County, Alabama, arising from the placing of the office of Judge of Probate of Morgan County on a salary basis.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver
Benson	Cobb	Jones	Sherrer
Bentley	Espy	Madison	Smith
Black	Henderson	McCary	Taylor
Bradford	High	Newton	Toomer
Carlton	Hill	St. John (Lawrence)	Walton

—23

*Nays:*

—0

*The bill:*

H. 629. To provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred twenty-five thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide for the qualifications, appoint-

ment, term, duties, bond, and compensation of such Deputy County Treasurers.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Sherrer
Benson	Cobb	Kilborn	Simpson
Bentley	Henderson	McCary	Smith
Black	High	Newton	Taylor
Bradford	Hill	Pinson	Toomer
Carlton	Hornsby	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 783. To abolish hospital boards in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, and to provide that the duties heretofore performed by such hospital boards shall be performed by the county boards of revenue or other governing bodies of such counties, and to provide additional salary for the members of the boards of revenue or other like governing bodies for the additional duties hereby imposed upon them.

Was taken up.

The Standing Committee on Local Legislation reported the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To make it the duty of the chairman of any hospital board, the duties of which are administrative, in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, to make a monthly report to the board of revenue or other like governing body of the county, of all accounts due said hospital as of the last day of the preceding month; to provide a penalty for his failure to make such a report; to make it the duty of said boards of revenue or other like governing body to make a diligent effort to collect said accounts and to authorize said county governing body to employ and pay legal counsel to collect said accounts

and to prescribe a penalty for said boards or other like governing bodies' failure to perform said duty and to provide additional salary for members of the boards of revenue or other like governing bodies for the additional duties imposed upon them by this act, and to repeal all laws, general and local, in conflict with the provisions of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. The chairman of any hospital board, the duties of which are administrative, of any county hospital located in any county having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, shall between the first and tenth of each month make a report in writing to the board of revenue or other like governing body of the county, of all unpaid bills and accounts of whatever nature owing and due such hospital as of the last day of the preceding month. Such report shall include the name and address of the debtor, the amount of indebtedness, the nature or cause for which the indebtedness was incurred, and the date the same became due. The chairman of such board shall transmit with such report all evidence of indebtedness of the respective debtors.

Section 2. It shall be the duty of the Board of revenue or other like governing body of the county with which such report, as provided for by Section 1 of this act is filed to, without delay, examine all bills and accounts so reported to it by said hospital board and to make a diligent effort to collect the same, and for the purpose of making collection said boards of revenue or other like governing bodies are hereby authorized to do any and all things necessary to effect collection, including the right to employ an attorney for such purpose, and to pay him for his services out of the money collected by him heretofore agreed upon between such attorney and the Board of Revenue. Said board of revenue or other like governing body of the county is also hereby authorized to settle or otherwise adjust any doubtful claim and to exercise its discretion as to the advisability of attempting to collect any account by suit.

Section 3. For the additional duties hereby imposed upon such county boards of revenue or other like governing bodies the chairman of such boards of revenue or other county governing bodies shall receive an additional \$600.00 per annum payable in twelve equal monthly installments on the first day of each month by warrant drawn upon the treasury of such county. The compensation of each of the other members of such county boards of revenues or other like governing bodies shall, for the additional duties imposed by this act, be increased

\$480.00 per annum payable in twelve equal monthly installments on the first day of each month by warrant drawn upon the treasury of such county.

Section 4. The failure of the chairman of any such hospital board to make and file the report required by Section 1 of this act constitutes a misdemeanor and upon conviction he shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Section 5. Should any board of revenue or like governing body of the county fail to diligently perform the duty imposed by this act, each member thereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Section 6. All laws, general, special and local, in conflict with the provisions of this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

On motion of Mr. Newton said substitute for the bill, was laid on the table.

And the bill was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Newton
Benson	Cobb	Kelly	Pinson
Bentley	Henderson	Kilborn	Sherrer
Black	High	Lawson	Simpson
Bradford	Hill	Madison	Toomer
Carlton	Hornsby	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 648. To establish a Tubercular Sanatorium in Walker County, Alabama, and to authorize the Board of Revenue or any other like governing body of Walker County, to build, equip and maintain said sanatorium and to establish a Board of Control to operate same, with full power and authority to make rules and regulations governing the operations, governing the employees, governing the selection of the employees.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Newton
Benson	Garrett	Kelly	Pinson
Black	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Sherrer
Carlton	High	Madison	Simpson
Cater	Hill	McCary	Walton

—23

*Nays:*

—0

## The bill:

H. 677. To amend Section 877, Title 51, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Sherrer
Benson	High	Lawson	Simpson
Bentley	Hill	McCary	Smith
Black	Hornsby	Newton	Taylor
Cater	Jones	Pinson	Toomer
Cobb	Kelly	Shaver	Walton

—23

*Nays:*

—0

## The bill:

H. 742. To regulate the use of steel traps and similar devices in Bibb County, Alabama, and prescribe punishment for the violation of this act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Shaver
Benson	Dodson	Jones	Sherrer
Bentley	Espy	Kelly	Simpson
Black	Garrett	Kilborn	Smith
Bradford	Goodwin	Lawson	Taylor
Carlton	High	Pinson	Toomer

—23

*Nays:*

—0

## The bill:

H. 814. To provide for an additional clerk in the office of the Circuit Clerk of Blount County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict

herewith; to provide that the parial invalidity of this act shall not affect the remainder hereof; and to fix the time when this act shall become effective.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	St. John (Cullman)
Benson	Cobb	Lawson	Simpson
Bentley	High	Madison	Smith
Black	Hill	McCary	Taylor
Bradford	Jones	Newton	Toomer
Carlton	Kelly	Pinson	Walton

—23

*Nays:*

—0

**The bill:**

H. 785. To provide for appeals from decisions of Civil Service Boards, by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, and in which the police and fire departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, offices and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws, wether general, special or local, and whether codified or uncodedified, in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Shaver
Benson	High	Lawson	Sherrer
Black	Hill	Madison	Smith
Bradford	Hornsby	McCary	Taylor
Carlton	Jones	Newton	Toomer
Cater	Kelly	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 786. To establish in all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, a Policemen and Firemen's Retirement Fund, and to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and a Secretary-Treasurer thereof for such Fund and to provide for their duties, powers, and authority; to provide for the retirement and for reinstatement of active or retired members of such departments and payment of benefits provided for hereunder and payment of benefits to widows, orphans, and widowed mothers of such members; to prescribe duties of the city attorney; to provide for a payment of expenses by said Board of Trustee; and to provide for appeals from rulings of the Board of Trustees.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	Shaver
Benson	High	Lawson	Sherrer
Bentley	Hill	Madison	Simpson
Black	Hornsby	McCary	Smith
Bradford	Jones	Newton	Taylor
Carlton	Kelly	Pinson	Toomer

—23

Nays:

—0

The bill:

H. 823. To apply in the Circuit Court in Counties having a population of 300,000 or more according to the last or any subsequent Federal census; and to provide that if the accused and his counsel and also the prosecuting attorney, in any criminal prosecution, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not; and to provide that a separation so permitted shall not create a presumption of prejudice to the accused, but that on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of the separation of the jury.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:



Amend H. B. 823 by striking from the title and Section 1 the figures 300,000 and substituting in lieu thereof the figures 140,000.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver
Benson	High	Lawson	Simpson
Bentley	Hill	Madison	Smith
Bradford	Hornsby	McCary	Taylor
Cobb	Jones	Newton	Toomer
Garrett	Kelly	Pinson	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	Newton
Benson	Garrett	Kelly	Pinson
Bentley	Goodwin	Kilborn	Shaver
Bradford	High	Lawson	Simpson
Carlton	Hill	Madison	Smith
Cater	Hornsby	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 815. To amend Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act

shall go into effect." which Act became a law September 14, 1939, under Section 125 of the Constitution.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Shaver
Benson	Cobb	Kilborn	Sherrer
Bentley	Garrett	McCary	Smith
Black	High	Newton	Taylor
Bradford	Hill	Pinson	Toomer
Carlton	Jones	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 818. To provide for the election of the County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof, to prescribe the duties and qualifications, and to fix the term and compensation of such officer.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	Pinson
Benson	Dodson	Hornsby	Shaver
Bentley	Espy	Jones	Sherrer
Black	Garrett	Kelly	Smith
Carlton	Goodwin	Kilborn	Walton
Cater	High	Newton	

—23

*Nays:*

—0

The bill:

H. 744. To Amend An Act Entitled: "AN ACT To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

Was taken up.

Mr. Taylor offered the following amendment to the bill, to-wit:

To amend Section 23 of House Bill No 744 so that the same shall read as follows:

Section 23. That the special election heretofore called by the Judge of Probate of Chilton County, Alabama, and held in said county, as provided for in Section 23 of the Act approved the 5th Day of September, 1939, be and the same hereby is in all things confirmed, and the Judge elected for said Inferior Law Court of Chilton County, Alabama, shall hold office until the second Tuesday, 1945, and until his successor is elected and qualified. That the successor in office to said Judge shall be elected at the General Election to be held on the second Tuesday of November, 1944, and the Judge of said Court shall be elected every four years thereafter and shall hold office until his successor is elected and qualified. That nominations shall be made and elections shall be held for the Judge of said Court as for all other county officers in Chilton County, Alabama.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton
Benson	Cobb	Hornsby	Pinson
Bentley	Dodson	Jones	Shaver
Black	Espy	Kelly	Sherrer
Bradford	Garrett	Kilborn	Simpson
Carlton	High	McCary	Taylor

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Newton
Benson	Cobb	Hornsby	Pinson
Bentley	Dodson	Jones	Shaver
Black	Espy	Kelly	Sherrer
Bradford	Garrett	Kilborn	Simpson
Carlton	High	McCary	Taylor

—23

*Nays:*

—0

The bill:

H. 800. To Amend Section 84 of Title 38 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Messrs.:	Cobb	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Black	Hill	McCary	Smith
Bradford	Hornsby	Pinson	Taylor
Carlton	Jones	St. John (Cullman)	Toomer
Cater	Kelly		

—26

Nays:

—0

The bill:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

Was taken up.

Mr. St. John (Cullman) moved that further consideration of the bill be indefinitely postponed by the Senate.

Mr. St. John (Lawrence) moved that the motion to postpone be laid on the table, which motion was lost.

And said bill was then indefinitely postponed by the Senate.

On motion of Mr. Walton, the bill:

H. 725. To make it unlawful to remove or transport, by any means whatsoever, to a destination beyond the State of Alabama, the body of any person dying in the State of Alabama, unless such body shall have been embalmed in accordance with the laws regulating embalming in this State; to provide the duties of the local Register of the district in which the death occurred; and to provide penalties for the violation of this Act.

Was postponed until the Fifty-ninth Day and made a Special, Paramount and Continuing Order of Business for that Day.

The bill:

H. 408. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama as amended by Amendment XXXV; to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held at the general election next succeeding the session of the Legislature at which this amendment is proposed, and, to provide for notice to be given by the Governor for the holding of said election.

Was taken up.

Mr. Kilborn moved that further consideration of the bill be indefinitely postponed by the Senate.

Mr. Cater moved to table the motion to indefinitely postpone, which motion prevailed.

Yeas, 19; Nays, 6.

*Yeas:*

Messrs.:	Cobb	Lawson	Simpson
Benson	Garrett	Madison	Smith
Bentley	Goodwin	St. John (Cullman)	Taylor
Black	High	St. John (Lawrence)	Toomer
Cater	Hill	Sherrer	Walton

—19

*Nays:* Messrs.: Bradford, Hornsby, Kelly, Kilborn, McCary and Shaver —6

Mr. McCary moved that the Senate do now adjourn, until tomorrow at 10 A. M., which motion was lost.

Yeas, 7; Nays, 18.

*Yeas:*

Messrs.:	Hill	McCary	St. John (Lawrence)
Black	Madison	St. John (Cullman)	Sherrer

*Nays:*

Messrs.:	Cobb	Kelly	Smith
Benson	Garrett	Kilborn	Taylor
Bentley	Goodwin	Lawson	Toomer
Bradford	High	Shaver	Walton
Cater	Hornsby	Simpson	

—18

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend H. B. 408 as follows:

Add after the word "shall" on line 8 of Section 1 and line 10 of Section 3 the word "not"

And said amendment was laid on the table on motion of Mr. Cater.

Yeas, 18; Nays, 10.

*Yeas:*

Messrs.:	Cobb	Madison	Smith
Benson	Garrett	Newton	Taylor
Bentley	Goodwin	St. John (Cullman)	Toomer
Carlton	High	Shaver	Walton
Cater	Hornsby	Simpson	

—18

*Nays:*

Messrs.:	Hill	Kilborn	St. John (Lawrence)
Black	Jones	Lawson	Sherrer
Bradford	Kelly	McCary	—10

Mr. Newton moved that the Senate do now adjourn until ten o'clock tomorrow morning, which motion was lost.

Yeas, 10; Nays, 12.

*Yeas:*

Messrs.:	Bradford	Kilborn	Smith
Bentley	Cobb	Newton	Taylor
Black	Hill	St. John (Lawrence)	—10

*Nays:*

Messrs.:	Garrett	Kelly	St. John (Cullman)
Benson	High	Madison	Shaver
Carlton	Hornsby	McCary	Walton
Cater			—12

And said bill was then read a third time at length as required by the Constitution and was passed.

Yeas, 24; Nays, 4.

*Yeas:*

Messrs.:	Cobb	Jones	Sherrer
Benson	Garrett	Lawson	Simpson
Bentley	Goodwin	Madison	Smith
Black	High	Newton	Taylor
Bradford	Hill	St. John (Cullman)	Toomer
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater			—24

Nays: Messrs.: Kelly, Kilborn, McCary, and Shaver —4

## ADJOURNMENT

At 6:05 P. M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, Wednesday, June 30, 1943, at 10 o'clock A. M.

## FIFTY-EIGHTH DAY

Wednesday, June 30, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Dr. Gaston Foote, of the First Methodist Church, Montgomery.

## ROLL CALL

## Present:

Messrs.:	Dodson	Jones	Shaver
Benson	Goodwin	Lawson	Sherrer
Bentley	Henderson	Madison	Simpson
Black	Kilborn	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hornsby	Sherrer	Toomer
Cater	Jones	St. John (Cullman)	Walton
Cobb	Kelly	St. John (Lawrence)	

—30

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Smith leave of absence was granted Mr. Espy, for today.

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sanderson (with amendment):

H. 110. To amend Section 22 of Chapter 2, Title 34 of the Code of Alabama of 1940.

By Mr. Locke:

H. 779. To amend Section 742 of Title 7 of the Code of Alabama of 1940.

By Mr. Dobbs (of Fayette):

H. 798. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,977 inhabitants and not more than 21,912 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Boswell:

H. 706. To define bookmakers and bookmaking and to prohibit the use of telephone and telegraph wires for the transmission of information to be used in the conduct of bookmaking establishments and provide punishment for violation thereof.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

Messrs. Bagley and White:

H. 657. To amend Section 755, Title 51, of the Code of Alabama of 1940.

By Mr. Smyer:

H. 529. To provide that amortization of war or emergency facilities shall be a deductible allowance in determining net income for State income tax purposes.

By Messrs. Bagley and White:

H. 653. To amend Section 789, Title 51, of the Code of Alabama of 1940.

By Mr. Ard:

H. 728. To authorize the State Department of Revenue, during the existing emergency, with the approval of the Governor, to adopt and promulgate rules and regulations for the issuance and use of stamps, or other substitute device, in lieu of motor vehicle license tags or plates now required to be issued upon the registration of motor vehicles, or in connection with the issuance of licenses for the operation thereof, which are now required by law to be placed upon motor vehicles operated on the public highways, or for the use



of such stamps or substitute device in connection with any such motor vehicle tag or plate; and to provide for the enforcement of such rules and regulations, and punishment for a violation thereof.

By Mr. Duffee:

H. 756. To amend Section 729 of Title 51 of the Code of Alabama of 1940.

By Mr. Sullivan (with amendment):

H. 813. To appropriate Sixty-Five Thousand Dollars for the purpose of providing voting machines for the use of members of the House of Representatives of the State of Alabama.

Mr Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Smyer, Gwin, Edwards, Sessions, Chichester, Hodo and Snyder:

H. 836. To require all county officers in counties having a population of one hundred and forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and prerequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

By Mr. Hodges (with notice and proof):

H. 837. To provide that the Court of County Commissioners or Board of Revenue or other governing body of St. Clair County, Alabama, having two Court Houses in which the Judge of Probate is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury.

By Mr. Bagley (with notice and proof) (with amendment):

H. 568. To create a Purchasing Agent for Calhoun County, Alabama, and providing that the chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing

that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Kilborn (with notice and proof):

S. 432. To regulate drawing of warrants on the Treasury of Mobile County or any fund of such County, of which the Treasurer is custodian, and the signing thereof, for the payment of all salaries, wages, materials, equipment or supplies which are now or which may become a charge against Mobile County or any fund thereof, of which the Treasurer is custodian, except warrants or certificates drawn for the payment of jurors or witnesses: to provide that all such warrants shall be drawn and signed by the Chairman of the Board of Revenue and Road Commissioners and by no other officer of Mobile County and to repeal all laws in conflict herewith

Mr. Madison, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McIlwain:

H. 202. To amend Section 532, Title 52, Code 1940.

By Mr. McIlwain:

To amend Section 527, Title 52, Code 1940.

Mr. Black, Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pill:

H. 257. To declare valid and legal the creation, establishment and organization of housing authorities, and all bonds, notes, agreements and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken or done with reference thereto.

By Mr. Pill:

H. 258. To authorize the creation and establishment of regional housing authorities by two or more counties and consolidated housing authorities by two or more municipalities; to define certain terms and the rights, powers and immunities of such authorities; to provide for the appointment and meetings of commissioners of housing authorities; to define the areas of operation of housing authorities and provide for changing certain of such areas; to define certain security for certain obligations of housing authorities; to authorize housing authorities to join or cooperate with one another and with municipalities; to make obligations of certain housing authorities legal investments and security for deposits; to authorize municipalities and other public bodies to cooperate with housing authorities; to provide that projects of county and regional housing authorities for persons of low income in rural areas shall not be subject to certain restrictions on tenant selection; and to repeal certain Sections of the Code of Alabama, 1940.

By Mr. Pill:

H. 259. To aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; and to make obligations issued for such projects of housing authorities legal investments and security for deposits.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 345. To provide for the distribution and expenditure of the net funds received by Morgan County, Alabama, arising from the placing of the office of Judge of Probate of Morgan County on a salary basis.

Also:

H. 629. To provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred twenty-five thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide for the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers.

Also:

H. 648. To establish a Tubercular Sanatorium in Walker County, Alabama, and to authorize the Board of Revenue or any

other like governing body of Walker County, to build, equip and maintain said sanatorium and to establish a Board of Control to operate same, with full power and authority to make rules and regulations governing the operations, governing the employees, governing the selection of the employees.

Also:

H. 652. An Act to provide for the sale of airports, or landing fields for the use of airplanes and other aircraft, owned by any town, city or municipal corporation in the State of Alabama, and the disposition of proceeds from such sale.

Also:

H. 735. To set up an Education Survey Commission, to provide for its duties and powers, and to make an appropriation therefor.

Also:

H. 768. To appropriate \$15,896.00 for the further support, maintenance, and operation of Alabama College.

Also:

H. 783. To abolish hospital boards in all counties having a population of not less than 64,000 inhabitants and not more than 66,000 inhabitants, according to the last or any subsequent federal census, and to provide that the duties heretofore performed by such hospital boards shall be performed by the county boards of revenue or other governing bodies of such counties, and to provide additional salary for the members of the boards of revenue or other like governing bodies for the additional duties hereby imposed upon them.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

I am directed to inform you that the Speaker of the House has appointed Messrs. Sessions, Redd and Pill as members of the

Actuarial Survey Commission on the part of the House under provisions of House bill 389, which has passed both Houses of the Legislature.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 823. To apply in the Circuit Court in Counties having a population of 140,000 or more according to the last or any subsequent Federal census; and to provide that if the accused and his counsel and also the prosecuting attorney, in any criminal prosecution, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not; and to provide that a separation so permitted shall not create a presumption of prejudice to the accused, but that on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of the separation of the jury.

Also:

H. 744. To Amend An Act Entitled: "AN ACT To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Bagley:

H. 566. To provide for the relief of W. L. Borders and to appropriate out of any monies in the State Treasury, not otherwise appropriate, the sum of Three hundred fourteen dollars and three cents, (\$314.03) for the purpose of reimbursing said W. L. Borders and refunding to him actual and necessary expenses incurred by W. L. Whitten and paid by said W. L. Borders, Sheriff, in returning a fugitive from the State of California to Calhoun County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 566, to the Committee on Finance and Taxation.

#### RECONSIDERATION OF VOTE BY WHICH BILL WAS INDEFINITELY POSTPONED

On motion of Mr. Bradford, the Senate reconsidered the vote by which the bill:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

*Was indefinitely postponed on yesterday*

And said bill was again read a second time and ordered placed on the regular calendar.

#### RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 74. BE IT RESOLVED BY the Senate that for this Legislative Day it consider Bills in the following order:

(1) All Senate Bills on the Calendar in their Order.

(2) All Local Bills and all Bills, that are general in form but applicable to one County only, in their order.

(3) The following Bills in the order herewith setforth.

Senate Bill No.	Page No.
368	30
House Bill No.	
824	21
236	5
705	22
713	31
177	2
178	2
725	17
690	23
148	9
812	18
431	8
334	15
18	4
153	30
199	16
704	36
31	10
375	10
811	32

BE IT FURTHER RESOLVED that the Rules Committee will set the Special Order for the next Legislative Day.

Which was adopted.

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 75. Resolved by the Senate that for the balance of this session of the Legislature of Alabama the standing committees of the Senate may make reports at any time during the meeting of the Senate.

Which was adopted.

Mr. Hill offered the following Senate joint resolution, to-wit:

S. J. R. 76. Be it resolved by the Senate, the House concurring, that House Bill 714 which has passed both houses of the Legislature, be designated and known as the White-Henderson-High-Carlton Act.

And on motion of Mr. Hill, the rules were suspended and the resolution adopted.

Mr. Walton offered the following Senate joint resolution, to-wit:

S. J. R. 77. WHEREAS, the Legislature of 1943 will end its deliberations during the present week; and

WHEREAS, the Session of this Legislature has been for the most part a harmonious Session and has worked unceasingly to enact such legislation as would prove beneficial to the State of Alabama; and

WHEREAS, all the legislation endorsed and requested by the Governor of Alabama has been enacted into law, and there are now no administration bills pending in either House of the Legislature:

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that we do hereby invite the Honorable Chauncey Sparks, Governor of Alabama, to visit and sit in both Houses of the Legislature of Alabama during the remaining days of the Session in order that he may look in on the Legislature and its operations.

And on motion of Mr. Kilborn, the rules were suspended and the resolution adopted.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. McCary, further consideration of the bill: S. 325, was indefinitely postponed by the Senate.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Simpson, further consideration of the bill: H. 803, was indefinitely postponed by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.



Also:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test for tuberculosis, paratuberculosis, or Bangs Disease.

Also:

S. 189. To amend Section 28 of the Alabama Motor Carrier Act of 1939.

Also:

S. 204. To amend Section 268, Title 55, 1940 Code of Alabama.

Also:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

Also:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from federal vocational funds; to validate payments heretofore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

Also:

S. 38. To amend Section 9 of Title 22 of the 1940 Code of Alabama relating to the State Health Officer; election; duties and powers.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snyder:

H. 448. To Amend Section 701, Title 62, 1940 Code of Alabama.

Also:

By Mr. Snyder:

H. 333. To provide that in the event, a party who files interrogatories in the circuit court in Jefferson county, Alabama, under the provisions of Article 8 of Chapter 10 of the Alabama Code of 1940, furnishes the clerk of the Circuit Court a copy of such interrogatories to be served on the party to whom the interrogatories are propounded, no fees or costs shall be charged or payable as for making a copy of such interrogatories.

Also:

By Mr. Coburn:

H. 839. To prescribe the duties and to fix the compensation of the Coroner of Colbert County, Alabama, and to provide for the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

#### LEGAL NOTICE

State of Alabama, Colbert County.

Notice is hereby given that the following local bill in substance will be introduced in the Legislature of Alabama at the regular session of said Legislature, which session convened on May 4, 1943, and is now in session:

#### AN ACT

A bill to be entitled "An Act" to prescribe the duties and to fix the compensation of the Coroner of Colbert County, Alabama, and to provide for the payment of the same.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Coroner of Colbert County, Alabama, shall receive a salary of Three Hundred Dollars (\$300.00) per annum to be paid in monthly installments out of the general funds of said County.

Section 2. That on the first day of each month said Coroner shall furnish the Court of County Commissioners of Colbert County, Alabama, with a statement of the preceding month's installment, and it shall thereupon be the duty of said Court of County Commissioners to order a warrant drawn upon the general funds of the County payable to said Coroner for the amount of one month's salary as hereinabove provided.

Section 3. That the salary provided hereinabove for said Coroner shall be in lieu of all costs, fees or allowances set forth under Title 11, Section 94 and under Title 11, Section 37 of the Alabama Code of 1940, or otherwise provided by law; however, said Coroner shall be allowed the sum of five cents (5c) per mile for actual miles traveled in the performance of his duties in addition to the salary herein prescribed. The claim for mileage herein provided for shall be made by sworn statement showing speedometer readings and actual miles traveled in the performance of said duties by said Coroner in privately owned vehicles. The payment of all

of said claims for mileage shall be subject to approval of the Court of County Commissioners of said County.

Section 4. That all laws and parts of laws in conflict with this Act are hereby expressly repealed and this Act shall be in force and effect from the date of its approval by the Governor. 6-4-4t.

I hereby Certify that the attached Legal Notice was published in the Muscle Shoals Advertiser in its issues of June 4th, June 11th, June 18th, and June 25th, 1943.

(Signed) M. S. HANSBROUGH,  
M. S. Hansbrough, Publisher.

STATE OF ALABAMA,  
COUNTY OF COLBERT.

Before me personally appeared M. S. Hansbrough, Publisher of the Muscle Shoals Advertiser, being duly sworn on oath, deposes and says, said statement above is true and correct.

JNO. B. SOCKWELL,  
Judge of Probate.

(Seal)

Also:

By Mr. Byars:

H. 840. To repeal an Act entitled "To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." Approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performanec of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said county, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special, or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect, "approved February 5, 1937; and to provide for the salary of the members of the court of county commissioners or boards of Revenue or like governing bodies of Lawrence County.

With notice and proof thereto attached and herewith exhibited as follows:

## NOTICE OF A PROPOSED LOCAL LAW

I expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in substance as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To repeal an Act entitled "To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County," Approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said county, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special, or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect, "approved February 5, 1937; and to provide for the salary of the members of the court of county commissioners or boards of Revenue or like governing bodies of Lawrence County.

Be It Enacted By The Legislature of Alabama:

Section 1. That an act entitled an act "To repeal An Act entitled, "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Boards of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County, "approved April 21, 1936; and to provide that the compensation of the members of the court of county commissioners or Boards of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general laws of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Board of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said county; may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special, or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect," approved February 5, 1937, be and the same hereby is repealed.

Section 2. That after the expiration of the term of office of the present incumbents of the members of the court of county commissioners or board of revenue or like governing body of Lawrence County, Alabama, their salary shall be Fifteen Hundred Dollars per annum payable in equal monthly installments of \$125.00. The salary herein provided for the members of the court of county commissioners or board of revenue or like governing body of Lawrence County, Alabama, shall be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama.

Section 3. That all laws and parts of laws, general, local, or special, in conflict herewith be and the same hereby are expressly repealed.  
5-27-4

A. S. BYARS.

### PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me, a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he published in said newspaper the attached notice for 4 consecutive weeks as follows: May 27, 1943; June 3, 1943; June 10, 1943; June 17, 1943, as required by law.

CLARK HODGINS,

Publisher.

Sworn to and subscribed before me this the 24 day of June, 1943.

ISAAC J. MASON, JR.,

Judge of Probate.

Also:

H. 841. To regulate the place of residence of the members of the Lawrence County Board of Education.

With notice and proof thereto attached and herewith exhibited as follows:

### NOTICE OF A PROPOSED LOCAL LAW

We expect to introduce a Bill at the regular Session of the Legislature of Alabama, which convenes on Tuesday, May 4th, 1943, in substance as follows:

### A BILL TO BE ENTITLED AN ACT

To regulate the place of residence of the members of the Lawrence County Board of Education.

Be It Enacted By The Legislature Of Alabama:

Section 1. That of the two members of the Lawrence County Board of Education to be elected in 1944 and every six years thereafter, one shall be a resident of the Northwest Commissioners' District and one shall be a

resident of the Northeast Commissioners' District; that of the two members of the Lawrence County Board of Education to be elected at the general election in 1946 and every six years thereafter, one shall be a resident of the Southeast Commissioners' District; and that the member of the Lawrence County Board of Education to be elected at the general election in 1948 and every six years thereafter, may reside anywhere in Lawrence County.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That this act shall take effect upon its passage and approval by the Governor, or its otherwise becoming a law.

V. L. ST. JOHN.

A. S. BYARS.

5-27-4

STATE OF ALABAMA,  
LAWRENCE COUNTY.

Before me, a Notary Public in and for said state and county, personally appeared Clark Hodgins, who being duly sworn, says that he is publisher of The Moulton Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such publisher he published in said newspaper the attached notice for 4 consecutive weeks as follows: May, 27, 1943; June 3, 1943; June 10, 1943; June 17, 1943, as required by law.

CLARK HODGINS,

Publisher.

Sworn to and subscribed before me this the 24 day of June, 1943.

ISAAC J. MASON, JR.,

Judge of Probate.

Also.

By Mr. Thomas:

H. 842. For the relief of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, in satisfaction of a judgment rendered against D. C. Knox on a forfeited appearance bond made by him for Otto Roberson which final judgment was paid by the said D. C. Knox on the 10th day of March 1937.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that the following bill will be introduced in the present session of the Legislature of Alabama:

A BILL  
TO BE ENTITLED  
AN ACT

For the relief of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, in satisfaction of a judgment rendered against D. C. Knox on a forfeited appearance bond made by him for Otto Roberson which final judgment was paid by the said D. C. Knox on the 10th day of March, 1937.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Montgomery County, Alabama, is hereby authorized, required and directed to draw, or cause to be

drawn a warrant on the County funds of Montgomery County, Alabama, in favor of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, for the sum of Five Hundred Dollars (\$500.00) which amount was paid by D. C. Knox in satisfaction of a judgment rendered against him on a forfeited appearance bond in which Otto Roberson was the principle which judgment was paid by D. C. Knox and paid into the general funds of Montgomery County, Alabama, by the Circuit Clerk of said County on the 15th day of May, 1937. The bondsmen have caused the said Otto Roberson to be apprehended and surrendered to the sheriff of Montgomery County, Alabama, without expense to the said County, and there being no recourse other than by special Act to recover the amount paid in satisfaction of said judgment.

Section 2. This Act shall take effect immediately on its passage and approval by the Governor.

May 27, June 3-10-17, 1943.

STATE OF ALABAMA,  
MONTGOMERY COUNTY.

Before me, Louise S. Champion, a Notary Public, in and for said State and County aforesaid, personally appeared Frank Nunnelee, Publisher of The Montgomery Weekly, and after being sworn by me, deposes and says that the attached Legal Notice was published in The Montgomery Weekly for 4 consecutive weeks, as follows: May 27th and June 3, 10, 17, 1943.

That The Montgomery Weekly is a weekly newspaper of general circulation in Montgomery County, Alabama; That it is entered in the Postoffice at Montgomery, Alabama as second-class mailing matter; That it has been published for 52 consecutive weeks prior to the publication of this legal notice.

(Signed) FRANK NUNNELEE,  
Publisher.

Sworn to and subscribed before me, this 17th day of June, 1943.

(Signed) LOUISE S. CHAMPION,  
Notary Public.

Also:

By Mr. Hodges:

H. 843. To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of St. Clair County, in monthly installments.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama,  
St. Clair County.

NOTICE is hereby given that at the present session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made to-wit;

A BILL  
TO BE ENTITLED  
AN ACT

To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and

to make the same payable out of the general funds of St. Clair County, in monthly installments,

Be it enacted by the Legislature of Alabama:

Section 1. That the sheriff of St. Clair County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of not less than \$900.00 and not more than \$1,800.00 per annum which salary is to be fixed by the Commissioners Court or other governing body of said County to be paid in twelve equal monthly installments out of the general funds of said County; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said county, and said deputy sheriff shall be appointed by the sheriff of said County to hold office at the pleasure of the Sheriff.

Section 2. That on the first of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Court of County Commissioners or other governing body by the sheriff and it shall thereupon be the duty of the Court of County Commissioners or other governing bodies to order a warrant drawn on the general funds of the county payable to said deputy sheriff for the amount of one month salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this act shall be in full force and effect from the date of its passage and approval by the Governor. 6; 3-10-17-24 43.

STATE OF ALABAMA,  
ST. CLAIR COUNTY.

Before me, Irene E. Hodges, a Notary Public in and for said State and County, this day personally appeared, B. B. Cather, who being by me first duly sworn, deposes and says that he is the Editor and Owner of The Southern Aegis, a newspaper of general circulation published in St. Clair County, Alabama; that the above and foregoing notice was published once a week for four consecutive weeks in The Southern Aegis, on to-wit, June 3, 1943, June 10, 1943, June 17, 1943, June 24, 1943.

B. B. CATHER,

Editor and Owner of The Southern Aegis.

Sworn to and subscribed before me this the 24th day of June, 1943.

IRENE E. HODGES,

Notary Public, St. Clair County, Alabama.

Also:

By Mr. Bennett of Calhoun and Mr. Bagley:

H. 838. To authorize the City of Anniston, Alabama to sell and convey certain real estate located in Anniston, Alabama and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama now in session, in substance as follows:



A BILL  
TO BE ENTITLED  
AN ACT

To authorize the City of Anniston, Alabama to sell and convey certain real estate located in Anniston, Alabama and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the City of Anniston, Alabama be and it is hereby authorized to sell and convey real estate in the City of Anniston, Alabama, and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama, the same being the property upon which Garner Hospital is now located.

May 31-June 7-14-21

Personally appeared before me Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates, May 31, June 7-14-21, 1943.

RALPH W. CALLAHAN,

Sworn to and subscribed before me this 24 day of June, 1943.

CLARA B. WRIGHT,

(Seal)

Notary Public.

R. T. Goodwyn, Jr.,  
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message Message from the House, weres severally read one time and referred to appropriate standing committees, as follows:

H. 448, to the Committee on Finance and Taxation.

House bills 333, 839, 840, 841, 842, 843, and 838, to the Committee on Local Legislation.

BILLS ON THIRD READING

The bill:

S. 368. To regulate the sale of motor fuel and lubrication oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Lawson	Sherrer
Benson	High	McCary	Simpson
Bentley	Hill	Pinson	Smith
Black	Hornsby	St. John (Cullman)	Taylor
Bradford	Jones	St. John (Lawrence)	Toomer
Cobb	Kilborn	Shaver	Walton
Dodson			

—24

*Nays:*

—0

The bill:

S. 429. To amend Section 3 of an Act entitled "An Act to Create the office of Road Supervisor for Henry County, Alabama", approved November, 1932 (H-536) as amended by an Act of the Legislature approved September 9, 1935 (H-578) entitled "An Act to amend Sections 2, 3, and 5 of an Act entitled, 'An Act to Create the Office of Road Supervisor for Henry County, Alabama', (H-536) approved November 4, 1932", as amended by an Act of the Legislature approved September 1, 1939, (H-567) entitled "An Act to Amend an Act entitled, 'An Act to Create the Office of Road Supervisor for Henry County, Alabama, approved November, 1932", so as to fix the salary of said Road Supervisor

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	McCary
Benson	Cobb	Jones	Newton
Bentley	Dodson	Kelly	Pinson
Black	Goodwin	Kilborn	Taylor
Bradford	High	Lawson	Toomer
Carlton	Hill	Madison	Walton

—23

*Nays:*

—0

The bill:

S. 430. To provide a County Board of Equalization in all Counties which now or may hereafter have a population of not less than 140,000 nor more than 400,000 according to the last or any subsequent Federal census, to prescribe the manner of appointment of such Board, to fix the compensation and manner of payment thereof and terms of office of the members of the Board, to prescribe an oath of office for said members, to provide for the Tax Assessor to serve as Secretary of such Board, to provide for the employment of personnel by such board to provide the compen-

sation of such personnel, to provide for the making of an inventory and appraisement of property by the Board, to provide for offices, supplies, equipment, and expenses for the Board and the method of payment of said expenses, to provide for the apportionment of the cost of the inventory and appraisement by the Board, to provide custody of the funds appropriated to or contributed to the Board, and the method of expending such appropriations or contributions, to provide for the election of a chairman of the Board, to provide for the making of rules and regulations by the Board, to provide for the duties of the Board, to provide for an equalization of taxes by the Board, to provide a method of procedure, and to provide for the repeal of all or parts of laws in conflict herewith, and to provide for an effective date for this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Goodwin	Lawson	Simpson	
Bentley	Henderson	McCary	Smith	
Black	High	Pinson	Taylor	
Bradford	Hill	St. John (Cullman)	Toomer	
Carlton	Kelly	St. John (Lawrence)	Walton	
Cater				—24

*Nays:*

—0

The bill:

H. 254. To Amend Section 30 of Title 19 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver	
Benson	Henderson	Lawson	Simpson	
Bentley	High	Madison	Smith	
Bradford	Hill	McCary	Taylor	
Carlton	Jones	St. John (Cullman)	Toomer	
Dodson	Kelly	St. John (Lawrence)	Walton	
				—23

*Nays:*

—0

The bill:

H. 331. To amend section 272 of title 7 of the Alabama Code of 1940, so that said section as amended shall read as follows: In

all civil and criminal cases the Charge of the Judge must be taken down by the Court Reporter or by some stenographer appointed by the Court, and reduced to writing and filed as a part of the record proper of the case, unless both parties or their counsel waive the reporting and making the Charge a part of the record; provided, however, that none of the foregoing provisions of this section shall be applicable in circuits which consist of only one County and have more than three judges.

Was read a third time at length and passed.

Yeas, 22; Nays, 1.

*Yeas:*

Messrs.:	Cobb	Hornsby	McCary	
Bentley	Dodson	Jones	Newton	
Black	Goodwin	Kelly	Pinson	
Bradford	Henderson	Kilborn	Simpson	
Carlton	High	Lawson	Toomer	
Cater	Hill	Madison		—22

*Nay:* Mr. Walton

—1

The bill:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Pinson	
Benson	Cobb	Kilborn	Simpson	
Bentley	Dodson	Lawson	Smith	
Black	High	Madison	Taylor	
Bradford	Hill	McCary	Toomer	
Carlton	Jones	Newton	Walton	—23

*Nays:*

—0

The bill:

H. 831. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330, by setting aside or appropriating for such purpose one-half of the moneys derived by each such city under the terms of the Alcoholic Beverage Control Act of this State, and to fix the method by which the salaries of

said firemen and policemen may be increased", approved March 4, 1937.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Pinson
Benson	Cobb	Kilborn	Simpson
Bentley	Dodson	Lawson	Smith
Black	High	Madison	Taylor
Bradford	Hill	McCary	Toomer
Carlton	Jones	Newton	Walton

—23

*Nays:*

—0

The bill:

H. 763. To fix and increase the salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Sherrer
Benson	Cobb	Kelly	Simpson
Bentley	Dodson	Kilborn	Smith
Black	High	Lawson	Taylor
Bradford	Hill	Pinson	Toomer
Carlton	Hornsby	Sherrer	Walton

—23

*Nays:*

—0

The bill:

H. 830. To authorize the City of Birmingham to provide relief for certain employees.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Sherrer
Benson	Cobb	Jones	Simpson
Bentley	Dodson	Kelly	Smith
Black	Goodwin	Newton	Taylor
Bradford	High	Pinson	Toomer
Carlton	Hill	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 824. To provide additional clerical assistants for the Clerk of the House and the Secretary of the Senate for four weeks after the adjournment of the present session of the Legislature.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	St. John (Lawrence)
Benson	Henderson	Lawson	Shaver
Bentley	High	Madison	Sherrer
Black	Hill	McCary	Simpson
Bradford	Jones	Pinson	Taylor
Cater	Kelly	St. John (Cullman)	Walton

—23

*Nays:*

—0

The bill:

H. 578. To amend section 187 of Title 13, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Madison
Benson	Cobb	Hornsby	McCary
Bentley	Dodson	Jones	Newton
Black	Goodwin	Kelly	Pinson
Bradford	Henderson	Kilborn	Toomer
Carlton	High	Lawson	Walton

—23

*Nays:*

—0

The bill:

H. 236. To establish a Gorgas memorial and to provide for its maintenance and administration and to make the necessary appropriation to that end.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend House Bill 236, Section 3 by striking the word "Auditor" therefrom where ever same occurs and inserting the word "Comptroller" in lieu thereof.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Pinson
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Shaver
Black	Henderson	Lawson	Simpson
Bradford	High	Madison	Walton
Carlton	Hill	McCary	

—22

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bentley	High	Madison	Sherrer
Black	Hill	McCary	Simpson
Bradford	Jones	Pinson	Toomer
Carlton	Kelly	St. John (Cullman)	Walton
Cater			

—24

*Nays:*

—0

The bill:

H. 826. To apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act; to repeal any existing ordinances or statutes in conflict with the provisions of this Act.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend House Bill No. 826 as follows:

(1) Amend Sub-division (c) of Section 8 of the Bill by inserting the words "to a person thereunto duly authorized by the governing body of a municipality of such County or" between the

word "except" and the Word "to" where the two words last above quoted occur together in said sub-division (c) of said Section 8.

(2) Amend Section 12 of the bill, as said Section 12 has been amended by the House, so as to make said Section 12 read as follows:

Section 12. Any person violating any of the provisions of this Act, or doing any act made unlawful by the terms of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the County for not exceeding six months, either or both. It shall be the duty of the license inspector to enforce the provisions of this Act and to check the records of any such person subject to the license tax imposed by this Act. Neither the license inspector nor the Probate Judge shall be entitled to any compensation for performance of any duty imposed upon him by this Act.

(3) Amend Section 14 of this Bill so as to read as follows:

Section 14. There are hereby repealed all existing ordinances of all municipalities within such County whereby, and to the extent that, the same levy license taxes upon, or for, the right or privilege of selling, delivering, distributing, storing, handling, or otherwise dealing in or with, malt or brewed beverages, but nothing herein contained shall be construed to evidence an intent to abridge or impair the power of the governing of any such municipality to reenact any ordinance hereby repealed or to enact any new or different ordinance whereby license taxes may be levied upon, or for, the right or privilege of selling, delivering, distributing, storing, or otherwise dealing in or with, such beverages, but every governing body shall retain such power to the full extent now or hereafter conferred upon it by any Statute of Alabama, unimpaired by anything contained in this Act.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Hornsby	Shaver
Bentley	Dodson	Jones	Sherrer
Black	Goodwin	Kelly	Simpson
Bradford	Henderson	Newton	Toomer
Carlton	High	Pinson	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.



*Yeas:*

Messrs.:	Cater	Hill	St. John (Cullman)
Benson	Cobb	Hornsby	Shaver
Bentley	Dodson	Jones	Sherrer
Black	Goodwin	Kelly	Simpson
Bradford	Henderson	Newton	Toomer
Carlton	High	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 705. To amend Section 333, of Title 55, of the Code of 1940. To provide for an additional member thereof, and to fix and provide for his compensation.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the bill, to-wit:

Amend House Bill No. 705 by adding thereto the following:

“Section 2—That if any section, paragraph, sentence, clause, provision or portion of this Act shall be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of the said Act not in and of itself unconstitutional and invalid.”

Which was adopted.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer
Benson	High	McCary	Simpson
Bradford	Hill	Pinson	Toomer
Dodson	Jones	St. John (Cullman)	Walton
Goodwin	Lawson	Shaver	

—18

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 3.

*Yeas:*

Messrs.:	Dodson	Kilborn	Simpson
Benson	Goodwin	Lawson	Smith
Black	High	Madison	Taylor
Carlton	Hill	McCary	Toomer
Cater	Jones	Pinson	Walton
Cobb	Kelly		

—21

*Nays:* Messrs.: Bentley, Henderson and Sherrer

—3

## RESOLUTION

Mr. Walton offered the following Senate resolution, to-wit:

S. R. 78. WHEREAS, the Senator from Monroe, Honorable W. W. Garrett, has received word of the death of his Wife's Father; and

WHEREAS, the Senator from Monroe will necessarily be absent from the Senate during the remaining days of this Session:

THEREFORE BE IT RESOLVED by the Senate that we do hereby express to Senator Garrett and his family our genuine sympathy at this time.

Be it further resolved that a copy of this Resolution be by the Secretary of the Senate forwarded by mail to Senator Garrett at his home address.

And on motion of Mr. Walton, the rules were suspended and the resolution adopted.

## LEAVE OF ABSENCE

On motion of Mr. Walton, indefinite leave of absence was granted Mr. Garrett.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bills:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000 to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Also:

S. 144. To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama by restoring them to that level of compensation received by the Justices and Judges thereof on December 1st, 1927, and to provide for the payment thereof.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn, the Senate concurred in the following House amendment to the bill, S. 420, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Section 2 of Senate Bill 420 by adding after the word "container" in line eight of said section the following:

"When wholesalers or jobbers have qualified as such with the governing body of such county, and desire to purchase stamps as prescribed herein for use on taxable tobaccos sold and delivered by them, the governing body of such county shall allow on such sales of tobacco tax stamps, the following discounts: on a sale of \$100.00 or over and less than \$200.00, a discount of three (3) per cent on the entire amount of the sale; on a sale of \$200.00 or more, a discount of ten (10) per cent on the entire amount of the sale".

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	McCary
Benson	Cobb	Jones	Newton
Bentley	Dodson	Kelly	Pinson
Black	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Toomer
Carlton	High	Madison	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	McCary
Benson	Cobb	Jones	Newton
Bentley	Dodson	Kelly	Pinson
Black	Goodwin	Kilborn	Shaver
Bradford	Henderson	Lawson	Toomer
Carlton	High	Madison	Walton

—23

*Nays:*

—0

Mr. Kilborn moved that the Senate non-concur in the following House amendment to the bill, S. 144, the title of which is set out in the foregoing Message from the House, to-wit, which motion was lost.

Amend the title to Senate Bill No. 144 so that the same shall read as follows:

"To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama and to provide for the payment thereof."

Amend Section 1 of said bill so that the same shall read as follows:

"Section 1. The salaries of the justices and Judges of Appellate Courts of this State shall be and are hereby fixed as follows: The salary of the Chief Justice and each of the associate justices of the Supreme Court shall be and is hereby fixed at Seven Thousand Dollars per annum, and the salary of each of the judges of the Court of Appeals, including the Presiding Judge, is hereby fixed at Six Thousand Five Hundred Dollars per annum."

Yeas, 10; Nays, 16.

*Yeas:*

Messrs.:	Cater	High	Smith	
Bentley	Cobb	Kelly	Taylor	
Carlton	Goodwin	Kilborn		—10

*Nays:*

Messrs.:	Hill	Newton	Sherrer	
Benson	Jones	Pinson	Simpson	
Black	Lawson	St. John (Cullman)	Toomer	
Bradford	Madison	Shaver	Walton	
Dodson				—16

On motion of Mr. Hill, the Senate did concur in and adopt the House amendment to the bill, S. 144.

Yeas, 21; Nays, 4.

*Yeas:*

Messrs.:	Dodson	Lawson	Shaver	
Benson	Goodwin	Madison	Sherrer	
Black	High	McCary	Simpson	
Bradford	Hill	Pinson	Smith	
Carlton	Jones	St. John (Cullman)	Walton	
Cobb	Kelly			—21

*Nays:* Messrs.: Bentley, Cater, Kilborn and Taylor

—4

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 1.

*Yeas:*

Messrs.:	Dodson	Lawson	Sherrer	
Benson	Goodwin	Madison	Simpson	
Black	High	McCary	Smith	
Bradford	Hill	Newton	Taylor	
Carlton	Jones	Pinson	Toomer	
Cater	Kelly	St. John (Cullman)	Walton	
Cobb	Kilborn	Shaver		—26
<i>Nay:</i> Mr. Bentley				—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 408. To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama as amended by Amendment XXXV; to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held at the general election next succeeding the session of the Legislature at which this amendment is proposed, and, to provide for notice to be given by the Governor for the holding of said election.

Be It Enacted By The Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth viz, that Section 138 of Article 5 of the Constitution of Alabama as amended by Amendment XXXV, be amended so as to read as follows: Section 138 of Article 5. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of six years, unless sooner removed, and he shall be eligible to such office as his own successor; provided, that the terms of all sheriffs expiring in the year 1937 are hereby extended until the first Monday after the second Tuesday of January nineteen Hundred Forty Nine. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the term for which he had been elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by Proclamation to be published in one newspaper in each county of the State for at least four (4) consecutive weeks next preceding the general election held next succeeding the session of the Legislature at which the amendment is proposed, of the election of the Amendment proposed by this act, to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. There shall be held an election at the general election held next succeeding the session of the Legislature at which the following Amendment is proposed, by the qualified electors of the State upon the proposed amendment. Upon the ballots used at said election there shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5, as amended by Amendment XXXV, so as to read as follows: Section 138 of Article 5. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of six years, unless sooner removed, and he shall be eligible to such office as his own successor; provided that the terms of all sheriffs expiring in the year nineteen hundred and forty seven are hereby extended until the first Monday after the Second Tuesday of January, Nineteen Hundred and Forty Nine. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the term for which he had been elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of elector shall be indicated by the cross mark made by him opposite the word expressing his desire.

Section 4. The officers of such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections, and the officers appointed to hold the general election next succeeding the session of the Legislature at which this amendment is proposed, if otherwise qualified, may be appointed to hold this election, and if so appointed, they shall receive no compensation for holding this election other than that paid them for holding the said general election.

Section 5. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated and the returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of

the same, such amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. Provided that at such election the Circuit Judge or Judges of each Circuit in each county or counties comprising their Circuits, the County Coroner and the Circuit Court Clerk in each county or counties or a majority of them shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

Also:

H. 677. To amend Section 877, Title 51, Code of Alabama of 1940.

Also:

H. 742. To regulate the use of steel traps and similar devices in Bibb County, Alabama, and prescribe punishment for the violation of this act.

Also:

H. 785. To provide for appeals from decisions of Civil Service Boards, by whatever name known, governing the police and fire departments in all cities of the State of Alabama which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, and in which the police departments are now or may hereafter be governed and controlled by a Civil Service Board, by whatever name known; to regulate and define the persons, offices and positions governed and controlled by Civil Service laws and regulations now or hereafter in force and effect in such cities; to continue in full force and effect any Civil Service laws or regulations not herein modified; and to repeal all laws and parts of laws, whether general, special or local, and whether codified or uncoded, in conflict with the provisions of this Act.

Also:

H. 786. To establish in all cities in the State of Alabama, which now have a population of as many as 35,000 and less than 75,000, according to the last Federal Census, or which shall have such population according to any such census that may hereafter be taken, a Policemen and Firemen's Retirement Fund, and to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and a Secretary-Treasurer thereof for such Fund and to provide for their duties, powers, and author-

ity; to provide for the retirement and for reinstatement of active or retired members of such departments and payment of benefits provided for hereunder and payment of benefits to widows, orphans, and widowed mothers of such members; to prescribe duties of the city attorney; to provide for payment of expenses by said Board of Trustees; and to provide for appeals from rulings of the Board of Trustees.

Also:

H. 800. To Amend Section 84 of Title 38 of the Code of Alabama of 1940.

Also:

H. 814. To provide for an additional clerk in the office of the Circuit Clerk of Blount County, Alabama; to fix the method and basis of such clerk's employment and compensation, and to designate the fund from which payable. To repeal all laws in conflict herewith; to provide that the partial invalidity of this act shall not affect the remainder thereof; and to fix the time when this act shall become effective.

Also:

H. 815. To amend Section 4 of an Act entitled, "An Act to abolish the Board of Finance and Control of Cullman County, Alabama, and to create in lieu thereof a Board of Revenue of Cullman County, Alabama; to provide for the election of the members of said Board of Revenue at the general election of 1940; to prescribe the jurisdiction, powers, authority and duties of said Board of Revenue of Cullman County, Alabama; to confer upon such Board of Revenue of Cullman County, Alabama, all the jurisdiction, powers, authority and duties now or hereafter conferred on Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State under the general laws of this State, except as to establishing, constructing and maintaining public roads and bridges or road and bridge funds; to require the members of said Board of Revenue of Cullman County to give bond; to prescribe the salary and compensation of the members of said Board of Revenue; to authorize said Board of Revenue to employ a clerk and fix his salary and compensation and prescribe his duties; and to provide when this Act shall go into effect," which Act became a law September 14, 1939, under Section 125 of the Constitution.

Also:

H. 818. To provide for the election of the County Superintendent of Education for Autauga County, Alabama, by the qualified electors thereof, to prescribe the duties and qualifications, and to fix the term and compensation of such officer.



Also:

H. 823. To apply in the Circuit Court in Counties having a population of 140,000 or more according to the last or any subsequent Federal census; and to provide that if the accused and his counsel and also the prosecuting attorney, in any criminal prosecution, consent thereto in open Court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not; and to provide that a separation so permitted shall not create a presumption of prejudice to the accused, but that on the contrary it shall be *prima facie* presumed that the accused was not prejudiced by reason of the separation of the jury.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages fees or penalties accruing under laws respecting the payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Also:

S. 297. To amend Section 182, Title 55, Code 1940.

Also:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 77. Relative to inviting the Governor to sit with the Legislature during the remaining days of the session.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sanders:

H.J.R. 83. WHEREAS the appropriations made to the Public Welfare Department and for Old Age assistance by the Legislature of 1935 and 1939, and also such appropriations made by the Legislature of 1943 have not been in one lump sum, but from several different sources and,

WHEREAS the fragmentary amounts available to the state and to the counties may not be thoroughly understood by the authorities charged with the duty of making grants authorized by law,

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring:

That the State Comptroller by and with instructions from the Attorney General is hereby directed to prepare, in proper form, a letter of instruction setting out the several amounts authorized for Public Welfare and Old Age assistance, and the total amounts accruing to the State and to each of the sixty-seven counties; and that a copy of such letter of instructions be mailed; one to the State Auditor, one to the probate judge in each of the sixty-seven counties; one to the State Welfare Director and one to the County Welfare Director in each of the sixty-seven counties of Alabama.

That such letter of instruction shall form the basis for disbursements by the Welfare Department of Alabama in matching federal funds under the provisions of the Social Security laws of the Federal Government.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The resolution, H. J. R. 83, which is set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Stone:

H. 453. To Amend Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 General Session of the Legislature of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R T..Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 453, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Jackson of Tallapoosa (by request):

H. 508. To amend Section 708, Title 51 of the Code of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R T..Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 508, to the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940", approved May 13, 1943.

And returns same herewith to the Senate.

R T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Henderson, the Senate concurred in the following House amendment to the bill, S. 411, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Section 1 of Senate Bill 411 by striking out the word "Eight" where it appears in line 10 and inserting in lieu thereof the word "Ten".

Amend Section 2 to read as follows:

"Section 2. That Section 19 of Title 32 of the Code of Alabama of 1940 be amended to read as follows: Section 19, (1529) (922) (2235) (52) (51) Compensation of enrolling-engrossing clerks doorkeepers and assistants; sergeants-at-arms.—The enrolling-engrossing clerk of the senate and the enrolling-engrossing clerk of the house, shall each receive eight dollars per day; the doorkeepers and assistant doorkeepers of each house, and the sergeant-at-arms herein provided for the house, shall each receive Six Dollars and fifty cents per day; said compensation to be paid for the time that the Legislature is in session. The doorkeeper of the Senate shall be charged with the duty of sergeant-at-arms and shall keep order in the lobby and in the galleries. The doorkeeper of the house, assisted by the sergeant-at-arms, shall keep order in the lobby and in the galleries. (1911, pl; 1933, Ex. Sess. p 9.)"

Amend Section 3 of Senate Bill 411 by striking out the words and figures "Five & 50/100" where they appear in line 24 thereof and inserting in lieu thereof the words and figures "Six & 50/100".

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:  
Benson  
Carlton

Cater  
Dodson  
Goodwin

Henderson  
Hill  
Jones

Kelly  
Kilborn  
Lawson

## REGULAR SESSION

1501

Madison	Pinson	Sherrer	Toomer	
McCary	St. John (Cullman)	Simpson	Walton	—22
Newton	Shaver	Taylor		
<i>Nays:</i>				—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Lawson	Sherrer	
Benson	Henderson	Madison	Simpson	
Bentley	Hili	McCary	Smith	
Carlton	Jones	Pinson	Taylor	
Cater	Kelly	St. John (Lawrence)	Toomer	
Dodson	Kilborn	Shaver	Walton	—23
<i>Nays:</i>				—0

## RECESS

At 12:30 P. M. on motion of Mr. St. John, (Cullman) the Senate took a recess until 3:15 this afternoon.

## FIFTY-EIGHTH DAY—AFTERNOON SESSION

Wednesday, June 30, 1943.

The Senate re-assembled at 3:15 P. M., Lieutenant-Governor Ellis, presiding.

## ROLL CALL

## Present:

Messrs.:	Dodson	Lawson	Shaver
Benson	Goodwin	Madison	Sherrer
Bentley	High	McCary	Simpson
Black	Hill	Newton	Smith
Bradford	Hornsby	Pinson	Taylor
Carlton	Kelly	St. John (Cullman)	Toomer
Cater	Kilborn	St. John (Lawrence)	Walton
Cobb			

—28

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Chichester:

H. 290. To authorize any city to provide by ordinance testing stations for the purpose of testing the mechanism and equipment of motor vehicles owned or operated in such city, to fix the amount of fees for each such test, to allocate such fees to pay the costs and expenses arising therefrom, to make the use of the streets, alleys and highways dependent on compliance with such ordinance, to provide stickers to be placed on motor vehicles indicating such inspection, to impose on the director of public safety of Alabama the supervision and control over the type of test and facilities therefor, to authorize any such city to use the earnings arising from such stations operated by it to pay for the same and for the equipment, maintenance and operation thereof, to fix the extent and scope of such inspection, and to enforce such ordinance by fine and imprisonment, and by seizure and impounding of motor vehicles not inspected in accordance with the terms of such ordinance.

By Mr. Locke:

H. 537. To amend Section 47, Title 17, Code of Alabama, 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Locke:

H. 534. To amend Section 712, Title 51, Code of Alabama, 1940.

By Mr. Locke:

H. 535. To amend Section 847, Title 51, Code of Alabama, 1940.

By Mr. Chichester:

H. 480. To amend Section 834, Title 51 of the Code of Alabama of 1940.

By Mr. Sullivan (by request):

H. 475. To amend Sections 130, 137, 139, 140, 141, 143, 144, 145, 149 and 150 of Title 46, of the Code of Alabama of 1940.

By Mr. White:

H. 602. To amend Section 589 of Title 51, Article 1 of the Code of 1940.

By Mr. Harris:

H. 523. To amend Section 429 of Title 51, Code of 1940.

By Mr. Locke:

H. 523. To amend Section 709, Title 37, Code 1940.

By Mr. Coburn:

H. 804. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at LaGrange, in Colbert County, the site of the first chartered college in Alabama; and to provide an appropriation therefor.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Norman (of Bullock):

H. 545. To amend Section 304 of Title 51 of the Code of Alabama of 1940.

By Mr. Norman (of Bullock):

H. 547. To amend Section 312, Title 51, of the Code of Alabama of 1940.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

Also:

S. 266. To provide Funds for Salaries and Expenses of the Employees of the State Board of Adjustment.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Hooton:

H. 455. To amend Section 1 of Title 34 of the 1940 Code of Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 455, to the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in adopted the Senate amendment to the bill:

H. 705. To amend Section 333, Title 55, of the Code of 1940. To provide for an additional member thereof, and to fix and provide for his compensation.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the Bills:



H. 826. An Act to apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of This Act; to repeal any existing ordinances or statutes in conflict with the provisions of this Act.

Also:

H. 236. To establish a Gorgas memorial and to provide for its maintenance and administration and to make the necessary appropriation to that end.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Bennet of Barbour:

H. 693. To amend Section 752, Title 51 of the Code of Alabama of 1940.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee as follows:

H. 693, to the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Smyer:

H. 60. To authorize the establishment and the maintenance of common trust funds; to authorize investments or participations

therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervisions thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes.

And ordered same sent forthwith to the Senate without engrossment.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. 60, to the Committee on Banking.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 238. To provide that the amount of \$10,011.02 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, be paid to the Town of Lineville, Alabama.

Also:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Smyer:

H. J. R. 81. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That there are hereby created an Interim Committee on Appropriations and Finance, whose duty it shall be to study the fiscal Policy of the State of Alabama and the allocation of funds to the various departments and agencies of the State; an Interim Committee on Agriculture and Industries, whose duty it shall be to study the development of our State and its resources in these two fields; an Interim Committee on Constitution and Legislative Procedure, whose duty it shall be to inquire into the subject of constitutional revision and to suggest in what respect the Constitution of Alabama should be changed and to make recommendations to provide for more effective working of present day legislative processes, and the apportionment of representation in the Legislature of Alabama, and to study changes in legislative procedures; an Interim Committee on Highway and Aviation Development and Transportation, whose duty it shall be to study highway development, aviation development and all forms of transportation; an Interim Committee on State, County and Municipal Government, whose duty it shall be to study revision and changes in the State, County and Municipal Governments, including the study of reorganization or consolidation of various State Departments, and State-Federal relations; an Interim Committee on Social Welfare and Development, whose duty it shall be to study the social welfare of the State and its development, including Negro education. These Committees shall make recommendations for such legislation in reference to their studies as they may deem wise.

2. The members of each Interim Committee shall consist of four (4) members from the Senate, to be appointed by the Lieutenant-Governor, and eleven (11) members from the House of Representatives, to be appointed by the Speaker of the House; the appointments to be made within sixty (60) days after the final adjournment of the present session of the Legislature. The Lieutenant-Governor and the Speaker of the House of Representatives shall jointly designate one of the members of each Committee to be Chairman and one member to be Vice-Chairman. The Lieutenant-Governor and the Speaker of the House of Representatives shall be ex-officio members of each Committee and shall receive the compensation of a member of a Committee. Vacancies on Committees shall be filled in like manner as original appointments. Each of said Committees shall meet between the first Tuesday of January, 1945, and the last Friday in March, 1945, provided that other meetings may be called by the Chairman, but the members shall not receive pay or mileage for such called meetings. All meetings of the Committees shall be held at the State Capitol building at Montgomery, Alabama. The last seven days of Committee meet-

ings shall be as a Committee of the Whole by the two Houses jointly, or separately, to be presided over by a Chairman or Chairmen appointed, if the two Houses meet jointly by the Lieutenant-Governor and the Speaker of the House, and if the two Houses meet separately by the Lieutenant-Governor in the Senate and by the Speaker of the House in the House of Representatives. Said Committee of the Whole shall sit for seven days, excluding Sundays, for the purpose of hearing explanations of reports of the separate and individual Interim Committees, such reports to be made by a member designated by the Committee. The Committee of the Whole, or Committees of the Whole, may invite all other members of their respective body, or bodies, to join them in this last seven days session. When so invited, all who attend shall be paid the per diem of a member of a Committee, and mileage.

3. All members of the Legislature are requested to submit either to the Lieutenant-Governor or the Speaker of the House proposed legislation in the form of bills, and the Lieutenant-Governor and the Speaker of the House shall assign such proposals to the proper and related committees,

4. The Chairman of each Committee created under this Joint Resolution shall be empowered to employ one clerk who shall be a competent stenographer and who shall serve the Committee presided over by such Chairman, and such clerk shall be paid as provided by Section 13, Title 32, Code of 1940.

5. The compensation and expenses of the members of said Committees shall be the compensation and expenses now provided by law under Section 13, Title 32, Code of 1940, and paid from the continuing appropriation provided by Section 14, Title 32, Code of 1940. The Committees hereby created may remain in session as long as necessary to perform their duties, but, in no event, shall they receive compensation for more than thirty days. The members of said Committees shall also receive the same mileage they receive while attending the Legislature, but said members of the Committees shall not receive mileage more than once. No committee member shall receive pay for any day on which he did not attend the meeting or meetings of his Committee; but shall be paid only for the days on which he attends committee meetings, whether separate, individual Interim Committees or as a Committee of the Whole, as provided in Section 2 above. The Chairman of each of said Committees shall certify to the Comptroller what is due each member or clerk, who must draw his warrant therefor on the State Treasurer.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn, the rules were suspended, and the resolution set out in the foregoing message from the House, was read and adopted.

## CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 713. To Amend Section 139 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	Simpson	
Benson	Goodwin	Lawson	Smith	
Bentley	Hill	Pinson	Toomer	
Bradford	Hornsby	St. John (Lawrence)	Walton	
Carlton	Kelly	Shaver		—18

*Nays:*

—0

The bill:

S. 431. To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Sherrer	
Benson	Cobb	Kelly	Simpson	
Bentley	Dodson	Kilborn	Smith	
Black	Goodwin	St. John (Cullman)	Taylor	
Bradford	High	St. John (Lawrence)	Toomer	
Carlton	Hill	Shaver	Walton	—23

*Nays:*

—0

The bill:

H. 177. To amend Section 213 of Title 28 of the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Shaver
Benson	High	Lawson	Simpson
Bradford	Hill	Madison	Smith
Carlton	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	St. John (Lawrence)	Walton
Dodson			

—20

*Nays:*

—0

## The bill:

H. 690. To require the Sheriffs of the Several Counties of the State to Fingerprint Each Person Coming Into His Custody; To Furnish A Copy of Such Fingerprints to the Director of the Federal Bureau of Investigation, Washington, D. C. and a Copy to the Director, Department of Public Safety, State Bureau of Investigation and Identification, Montgomery, Alabama; to provide that the Department of Public Safety, State Bureau of Investigation and Identification shall constitute the central assembling agency for receiving, maintaining and furnishing such fingerprint records; to provide for the necessary equipment; and to provide a fee for the several Sheriffs to be taxed and collected as other costs.

Was read a third time at length and passed.

Yeas, 21; Nays, 1.

*Yeas:*

Messrs.:	High	Newton	Sherrer
Benson	Hill	Pinson	Simpson
Bentley	Kilborn	St. John (Cullman)	Taylor
Bradford	Lawson	St. John (Lawrence)	Toomer
Carlton	Madison	Shaver	Walton
Dodson	McCarly		

—21

*Nay:* Mr. Hornsby

—1

## The bill:

H. 178. To amend Title 28, Section 53, Code of 1940.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend Section 1 of House Bill 178 by striking the word "shall" where the same occurs in the same immediately following the words "Association or order, he" and insert in lieu thereof the words "may, at any time the United States is engaged in war and for a period of six months thereafter,"

Which was adopted.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Lawson	Shaver	
Bentley	High	Madison	Simpson	
Bradford	Hill	Pinson	Smith	
Carlton	Hornsby	St. John (Cullman)	Toomer	
Cater	Kilborn	St. John (Lawrence)	Walton	
Dodson				—20

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	Shaver	
Benson	Dodson	Lawson	Simpson	
Bentley	Goodwin	Madison	Smith	
Bradford	Hill	Pinson	Toomer	
Carlton	Hornsby	St. John (Cullman)	Walton	
				—19

*Nays:* —0

The bill:

H. 725. To make it unlawful to remove or transport, by any means whatsoever, to a destination beyond the State of Alabama, the body of any person dying in the State of Alabama, unless such body shall have been embalmed in accordance with the laws regulating embalming in this State; to provide the duties of the local Registrar of the district in which the death occurred; and to provide penalties for the violation of this Act.

Was taken up.

Mr. Kilborn offered the following amendment to the bill, to-wit:

Amend Section one of House Bill 725 by adding at the end of said section the following:

“Provided, however, that this act shall not apply to the transportation of dead bodies for burial or funeral purposes to a destination which is not more than fifteen (15) miles beyond the boundary lines of the State of Alabama.”

Which was adopted.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Carlton	Goodwin	Hornsby
Benson	Cater	High	Kelly
Bradford	Dodson	Hill	Kilborn

Lawson  
Madison  
Pinson

St. John (Cullman)  
Shaver

Simpson  
Smith

Toomer  
Walton

—20

*Nays:*

—0

Mr. Bentley offered the following amendment to the bill, to-wit:

Amend Section one of House Bill 725 by adding at the end of said Section the following:

“Provided, however, that this act shall not apply to the transportation of dead bodies for burial or funeal purposes from the counties of Clay, Cleburne and Coosa, to a destination beyond the boundary lines of the State of Alabama.”

On motion of Mr. Pinson, the bill, as amended, and pending amendment, was indefinitely postponed by the Senate.

The bill:

H. 812. To further regulate the Office of the Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

Was taken up.

Mr. Simpson offered the following amendment to the bill, to-wit:

Amend House Bill 812 by striking out the words “Four thousand Eight Hundred Dollars” where ever the same appears and inserting in lieu thereof the following words “Four Thousand Five Hundred Dollars”.

Which was adopted.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:  
Benson  
Bentley  
Black  
Bradford  
Carlton

Cater  
Dodson  
High  
Hill  
Hornsby  
Kelly

Kilborn  
Lawson  
Madison  
McCary  
Shaver

Sherrer  
Simpson  
Smith  
Toomer  
Walton

—21

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:  
Benson

Bentley  
Black

Bradford  
Carlton

Cater  
Dodson



Goodwin	Kilborn	Shaver	Smith	
Hill	Lawson	Sherrer	Toomer	
Hornsby	Madison	Simpson	Walton	
Kelly	McCary			—21

Nays: —0

The bill:

H. 148. To amend Section 301 of Title 61 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Lawson	Sherrer	
Benson	High	Madison	Simpson	
Bentley	Hill	McCary	Smith	
Black	Hornsby	St. John (Cullman)	Taylor	
Bradford	Kelly	St. John (Lawrence)	Toomer	
Carlton	Kilborn	Shaver	Walton	—23

Nays: —0

## RESOLUTIONS

Mr. Cater offered the following Senate joint resolution, to-wit:

S. J. R. 79. BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that Senate Bill 401, which has passed both Houses be known as the Cater-Sightler Bill.

The rules were suspended and the resolution adopted.

Messrs. Sherrer and Black offered the following Senate joint resolution, to-wit:

S. J. R. 80. WHEREAS, Highway Patrolman Tom Whitby, has been assigned by his superior officer to direct traffic on the Capitol Driveways during the present Session of the Legislature, and

WHEREAS, Patrolman Whitby, has applied himself closely to his assignment, and has handled traffic efficiently and with unfailing good humor so that Members of The Legislature have been able to come and go with no inconvenience to themselves, THEREFORE

BE IT RESOLVED by the Senate of Alabama, The House Of Representatives concurring, that Highway Patrolman Tom Whitby is hereby commended and thanked for his many courtesies.

RESOLVED FURTHER that a copy of This Resoluition be sent Mr. Whitby and to the Honorable Van Buren Gilbert, State

Director of Public Safety and a copy to the Montgomery Advertiser.

The rules were suspended and the resolution adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 254. To Amend Section 30 of Title 19 of the Code of Alabama of 1940.

Also:

H. 331. To amend section 272 of title 7 of the Alabama Code of 1940, so that said section as amended shall read as follows: In all civil and criminal cases the Charge of the Judge must be taken down by the Court Reporter or by some stenographer appointed by the Court, and reduced to writing and filed as a part of the record proper of the case, unless both parties or their counsel waive the reporting and making the Charge a part of the record; provided, however, that none of the foregoing provisions of this section shall be applicable in circuits which consist of only one County and have more than three judges.

Also:

H. 578. To amend section 187 of Title 13, Code of Alabama of 1940.

Also:

H. 763. To fix and increase the salary of the Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama.

Also:

H. 824. To provide additional clerical assistants for the Clerk of the House and the Secretary of the Senate for four weeks after the adjournment of the present session of the Legislature.

Also:

H. 830. To authorize the City of Birmingham to provide relief for certain employees.

Also:

H. 831. To repeal an Act entitled "An Act to provide for an increase in the salaries of firemen and policemen in incorporated cities of the State of Alabama now or hereafter subject to or governed by a commission created or elected under and by authority of the General Act of Alabama of 1911, page 330, by setting aside or appropriating for such purpose one-half of the moneys derived by

each such city under the terms of the Alcoholic Beverage Control Act of this State, and fix the method by which the salaries of said firemen and policemen may be increased", approved March 4, 1937.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 38. To amend Section 9 of Title 22 of the 1940 Code of Alabama relating to the Senate Health Officer; election; duties and powers.

Also:

S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages fees or penalties accruing under laws respecting the payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Also:

S. 189. To amend Section 28 of the Alabama Motor Carrier Act of 1939.

Also:

S. 204. To amend Section 268, Title 55, 1940 Code of Alabama.

Also:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test for tuberculosis, paratuberculosis, or Bangs Disease.

Also:

S. 297. To amend Section 182, Title 55, Code of 1940.

Also:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

Also:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from federal vocational funds; to validate payments heretofore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

Also:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.

Also:

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940", approved May 13, 1943.

Also:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940.

Also:

S. 144. To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama, and to provide for the payment thereof.

Also:

S. 266. To provide Funds for Salaries and Expenses of the Employees of the State Board of Adjustment.

Sam High,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are

set out in the foregoing report from the Committee on Enrolled Bills.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolution with the original Senate joint resolution, and finds same correctly enrolled, to-wit:

S. J. R. 77. Relative to: The Senate, the House of Representatives concurring, do hereby invite the Honorable Chauncey Sparks, Governor of Alabama, to visit and sit in both Houses of the Legislature of Alabama.

Sam High,  
Chairman.

#### SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after it's title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### RESOLUTION

Mr. Cobb offered the following Senate joint resolution, to-wit:

S. J. R. 81. BE IT RESOLVED by the Senate, the House concurring: That on the sixtieth Day of the 1943 Session of Legis-

lature, the two Houses of the Legislature meet in joint session at the hour of seven o'clock P.M. for the purpose of conducting an "Old Fashion Spelling Bee." That the Speaker of the House of Representatives be designated the "Spelling Master" to conduct such "Old Fashion Spelling Bee"; that the President of the Senate act as Umpire and that the spelling be from the "Old Blue Back Speller".

BE IT FURTHER RESOLVED that the standing Committee on Education from the House of Representatives and from the Senate of Alabama invite the State Department of Education to join with them to spell against the remaining members of the Senate and Legislature.

Which was read and referred to the Standing Committee on Rules.

#### NOTICE TO REMOVE BILL FROM ADVANCE CALENDAR

Mr. Newton gave the following notice in writing:

"I hereby give notice that I will on the next Legislative Day, immediately after the call of Reports of Standing Committee, move that H. B. No. 706, which is now on the Adverse Calendar of the Senate, be removed from the Adverse Calendar and read a second time in the Senate.

Reuben L. Newton,  
Senator 12th District."

Which was read and ordered spread upon the Journal.

#### CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 431. To amend Section 502, Title 51 of the Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Cullman)
Benson	Cobb	Kelly	St. John (Lawrence)
Bentley	Dodson	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	High	Madison	Taylor
Carlton	Hill	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 334. To Amend Section 493 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	St. John (Lawrence)
Benson	Dodson	Kilborn	Shaver
Bentley	Goodwin	Lawson	Simpson
Black	High	Madison	Smith
Bradford	Hill	St. John (Cullman)	Walton
Carlton	Hornsby		

—21

*Nays:*

—0

The bill:

H. 153. To amend Section 71, Title 36, Code 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bentley	High	Madison	Simpson
Black	Hill	McCary	Smith
Cater	Hornsby	Newton	Walton
Cobb			

—20

*Nays:*

—0

The bill:

H. 199. To amend Section 20, Title 34, Code 1940.

Was taken up.

Mr. Shaver offered the following amendment to the bill to-wit:

Amend House Bill 199 by inserting after the words and figures "Section 1" in the first line of said bill the following:

"That Section 20, Title 34, Code of Alabama, 1940, be and the same is hereby amended so as to read as follows: Section 20."

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Bradford	High	Kilborn
Benson	Cater	Hill	Lawson
Bentley	Dodson	Hornsby	Madison
Black	Goodwin	Kelly	Newton

Pinson	St. John (Lawrence)	Sherrer	Walton	
St. John (Cullman)	Shaver	Simpson		—22
Nays:				—0

And said bill, as amended, was read a thid time at length and passed.

Yeas, 25; Nays, 1.

*Yeas:*

Messrs.:	Cobb	Kilborn	St. John (Cullman)	
Benson	Dodson	Lawson	Shaver	
Bentley	Goodwin	Madison	Simpson	
Black	High	McCary	Smith	
Bradford.	Hill	Newton	Taylor	
Carlton	Hornsby	Pinson	Walton	
Cater	Kelly			—25

Nay: Mr. St. John (Lawrence)	—1
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The bill:

H. 18. To amend Section 88, Title 36, Code of Alabama, 1940.

Was taken up.

Mr. Smith, offered the following amendment to the bill to-wit:

Amend H. B. 18, as follows:

Add immediately after the enacting clause the following "Section 1"

Was was adopted.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	St. John (Cullman)	
Benson	Dodson	Lawson	St. John (Lawrence)	
Bentley	Goodwin	Madison	Shaver	
Black	High	McCary	Simpson	
Bradford	Hill	Newton	Smith	
Carlton	Hornsby	Pinson	Walton	
Cater	Kelly			—25

Nays:	—0
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And said bill as thus amended was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Black	Cater	Goodwin
Benson	Bradford	Cobb	High
Bentley	Carlton	Dodson	Hill



Hornsby	Madison	St. John (Cullman)	Smith	
Kelly	McCary	St. John (Lawrence)	Taylor	
Kilborn	Newton	Simpson	Walton	
Lawson	Pinson			—25
Nays:				—0

The bill:

H. 704. To Amend Section 428, Title 37, Code of 1940.

Was read a third time at length and passed.

Yeas, 22; Nay, 1.

Yeas:

Messrs.:	Cobb	Lawson	Sherrer	
Benson	Dodson	Madison	Simpson	
Bentley	Goodwin	Newton	Smith	
Bradford	High	Pinson	Taylor	
Carlton	Hornsby	St. John (Cullman)	Walton	
Cater	Kilborn	St. John (Lawrence)		—22

Nay: Mr. McCary —1

The bill:

H. 31. To make legal in the State of Alabama any Food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

Was taken up.

The Standing Committee on Agriculture offered the following Substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To make legal in the State of Alabama any Food subject to and complying with the Federal Food, Drug, and Cosmetic Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. No food which is subject to and complies with the Federal Food, Drug, and Cosmetic Act, as amended, shall be deemed to violate any statute of this State or any order, rule or regulation thereunder. The term "Federal Food, Drug, and Cosmetic Act", as used herein, means the applicable food provisions of such Act; and includes the applicable food definitions and standards established and the applicable food labeling and packaging requirements prescribed under such Act. The term "Federal Food, Drug, and Cosmetic Act", as used herein, also includes the Federal Meat Inspection Act, as amended, and the regulations thereunder.

Section 2. Any food, which within the meaning of the provisions of the Federal Food, Drug and Cosmetic Act would be prohibited from movement in interstate commerce, is hereby declared illegal in Alabama. No person shall sell in Alabama any food which is illegal within the meaning of this Section. The Commissioner and the State Board of Agriculture and Industries shall by regulation adopt for the purpose of this Act, provisions, regulations, definitions and standards included, in or established under, the Federal Food, Drug and Cosmetic Act, properly substituting the term "state commerce, and the name of a state agency for the term "interstate commerce" and the name of a federal agency where necessary to make same applicable and effective under state administration to commerce in Alabama.

Section 3. In order to ascertain jurisdiction of offenses and proper compliance with this Act, the Commissioner of Agriculture and Industries may require the initial manufacturer packer or distributor of any food sold in Alabama to file information regarding its composition which is pertinent and necessary to establish that such food actually contains the ingredients required to be declared on its label under the Federal Food, Drug and Cosmetic Act; provided that this section shall not be construed or applied to require the disclosure of a secret formula or process or of any information except that which the label of a food must disclose under the Federal Food, Drug and Cosmetic Act.

Section 4. This Act is hereby declared to be a part of Title 2, Chapter 1, Code of Alabama 1940.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. If any clause, sentence, section or provision or part of this Act shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not impair, effect or invalidate the remainder of this Act, but the remainder shall remain in full force and effect.

Section 7. This Act shall take effect upon its approval by the Governor.

Mr. Simpson, offered the following Amendment to the Substitute for the bill, to-wit:

Amend Substitute to House Bill No. 31 by adding after the last period in Section 1 the following sentence; "provided, that this Act shall not apply to commercial feeds as defined in Section 56, Title 2, Code of Alabama of 1940."

Mr. St. John (Lawrence) offered the following Amendment to the Substitute for the bill, to-wit:

To Amend Section 1 of Substitute to House Bill #31 as amended by adding immediately following the words "the regulations thereunder" as they appear in the last line of said section the following:

Provided, That to the extent that regulations under the Federal Food, Drug and Cosmeic Act fail to provide for same, the specifications and requirements in or under Alabama law shall be effective."

Mr. McCary moved that further consideration of the bill, and pending substitute, and amendments, be indefinitely postponed.

Mr. St. John (Cullman) moved to table the motion to indefinitely postpone, which motion was lost.

Yeas, 9; Nays, 15.

*Yeas:*

Messrs.:	High	St. John (Cullman)	Simpson	
Bradford	Lawson	Shaver	Smith	
Carlton	Pinson			—9

*Nays:*

Messrs.:	Cobb	Kilborn	St. John (Lawrence)	
Benson	Dodson	Madison	Sherrer	
Bentley	Hill	McCary	Taylor	
Cater	Kelly	Newton	Walton	—15

The question then recurred on the motion of Mr. McCary to indefinitely postpone, and said bill, and pending substitute, and amendments, were indefinitely postponed.

Mr. Walton moved that the Senate reconsider the vote by which the bill, H. 31, was just indefinitely postponed by the Senate, and then moved to lay the motion to reconsider on the table. The motion to table prevailed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the Bills:

H. 178. To amend Title 28, Section 53, Code of 1940.

Also:

H. 812. To further regulate the Office of the Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 223. To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

Also:

S. 86. To Amend Section 17 of Title 24 of the Code of Alabama of 1940.

Also:

S. 85. To Amend Section 15 of Title 24 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## RESOLUTION

The Rules Committee offered the following resolution:

S. R. 82. BE IT RESOLVED BY THE SENATE that the following Bills be added to the special orders for today:

House Bill No.	Page No.
222 .....	11
528 .....	33
428 .....	12
72 .....	9
761 .....	31
615 .....	33
536 .....	22
49 .....	2
50 .....	1

Which was, on motion of Mr. Carlton, adopted.

## CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Madison, further consideration of the bill, H. 375, was indefinitely postponed.

## BILL ON THIRD READING

The bill:

H. 811. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used and for the investment thereof; to provide for the payment by the State to said Department of Archives and History of the interest so earned by investment of the money deposited with the State Treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund, and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars (\$5,000) to said department.

Was read a third time at length passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs.:	Cater	Kilborn	St. John (Lawrence)	
Benson	Cobb	Madison	Shaver	
Bentley	Dodson	McCary	Simpson	
Black	High	Newton	Smith	
Carlton	Hill	St. John (Cullman)		—18

Nays:

—0

## REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journals of the Senate for the Fifty-Seventh and Fifty-eighth days and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journals of the Senate for the fifty-seventh and fifty-eighth days approved by the Senate.

## ADJOURNMENT

At 6:00 P. M. on motion of Simpson, the Senate adjourned until tomorrow, Thursday, June 31, 1943, at 9 o'clock A. M.

## FIFTY-NINTH DAY

Thursday, July 1, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The Session was opened with Prayer by Rev. B. C. Glenn, of the Capitol Heights Methodist Church, Montgomery.

## ROLL CALL

Present:

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Kelly	St. John (Lawrence)	

—30

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## REPORTS OF COMMITTEES

Mr. Lawson, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smyer:

H. 60. To authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investment or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervisions thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jackson (of Tallapoosa) (by request):

H. 508. To amend Section 708, Title 51 of the Code of 1940.

By Mr. Bagley:

H. 566. To provide for the relief of W. L. Borders and to appropriate out of monies in the State Treasury, not otherwise appropriated, the sum of Three hundred fourteen dollars and three cents, (\$314.03) for the purpose of reimbursing said W. L. Borders and refunding to him actual and necessary expenses incurred by W. L. Whitten and paid by said W. L. Borders, Sheriff, in returning a fugitive from the State of California to Calhoun County, Alabama.

By Mr. Snyder:

H. 448. To amend Section 701, Title 62, 1940 Code of Alabama.

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Stone (with amendment):

H. 453. To amend Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 General Session of the Legislature of Alabama.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rains:

H. 392. To amend Section 397 of Title 37 of the Code of Alabama of 1940.

Mr. St. John (Cullman), Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Pill:

H. 155. To regulate the issuance, delivery and sale of bonds and of certain notes, wararnts, and obligations of counties, cities, municipal corporations, and other public bodies and authorities.

Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs: Bennett (of Calhoun) and Bagley (with notice and proof):

H. 838. To authorize the City of Anniston, Alabama to sell and convey certain real estate located in Anniston, Alabama and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama.

By Mr. Thomas (with notice and proof):

H. 842. For the relief of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, in satisfaction of a judgment rendered against D. C. Knox on a forfeited appearance bond made by him for Otto Roberson which final judgment was paid by the said D. C. Knox on the 10th day of March 1937.

By Mr. Snyder:

H. 333. To provide that in the event, a party who files interrogatories in the circuit court in Jefferson county, Alabama, under the provisions of Article 8 of Chapter 10 of the Alabama Code of 1940, furnishes the clerk of the Circuit Court a copy of such interrogatories to be served on the party to whom the interrogatories are propounded, no fees or costs shall be charged or payable as for making a copy of such interrogatories.

By Mr. Coburn (with notice and proof):

H. 839. To prescribe the duties and to fix the compensation of the Coroner of Colbert County, Alabama, and to provide for the payment of the same.

By Mr. Hodges (with notice and proof):

H. 843. To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of St. Clair County, in monthly installments.

By Mr. Byars (with notice and proof):

H. 841. To regulate the place of residence of the members of the Lawrence County Board of Education.



Mr. Cobb, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Byars (with notice and proof):

H. 840. To repeal an Act entitled "To repeal an Act entitled "An Act to provide that certain officers of Lawrence County, Alabama, shall each receive an increase in pay, as follows: The members of the Board of Revenue shall each receive Four Dollars (\$4.00) per day instead of Three Dollars per day for service rendered, to be paid from the general fund of the County." Approved April 21, 1936; and to provide that the compensation of the members of the Court of County Commissioners or Board of Revenue or like governing body of Lawrence County, Alabama, or by whatever name called, be in the same amounts as is fixed by the general law of the State of Alabama for the compensation of the members of the Courts of County Commissioners or Boards of Revenue of the several counties of the State; and to provide that the compensation of said members, as herein fixed, while said members are engaged in the performance of their duties in connection with the supervision, construction, maintenance, and repair of the public roads and/or bridges of said county, may be paid out of the Gasoline Excise Tax levied by the State of Alabama accruing to Lawrence County, Alabama; and to repeal all laws and parts of laws, general, special, or local, in conflict herewith; and to provide that if any clause, part or section of this Act shall be held invalid, the remainder of the same shall be in full force and effect, "approved February 5, 1937; and to provide for the salary of the members of the court of county commissioners or boards of Revenue or like governing bodies of Lawrence County.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

Also:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

Also:

S. 238.. To provide that the amount of \$10,011.02 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, be paid to the Town of Lineville, Alabama.

Also:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

Also:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000, to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Also:

S. 85. To Amend Section 15 of Title 24 of the Code of Alabama of 1940.

Also:

S. 86. To Amend Section 17 of Title 24 of the Code of Alabama of 1940.

Also:

S. 223. To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### RESOLUTION

The Rules Committee offered the following Senate resolution, to-wit:

S. R. 83. BE IT RESOLVED BY THE SENATE that the following shall be the order of business for the day on reaching the Calendar.

(1) All Local Bills	
(2) House Bills	Page No.
50	1
49	1
147	3
80	3
81	3
61	4
70	4
219	4
219	4
146	5
100	7
72	8
222	8
482	10
364	11
674	12
359	13
361	13
190	17
139	17
745	18
647	18
615	21
702	22
765	22
593	23
594	23
635	22
636	23
602	30
529	24
756	25
567	24
653	25
779	24
257	27
258	28
259	29
576	12
290	29
761	19
311	31
256	7

Which was adopted.

## MESSAGE FROM THE SENATE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

On motion of Mr. Pinson the Senate concurred in the following House amendment to the bill, S. B. 103, the title of which is set out in the foregoing Message From The House, to-wit:

FOR A BILL  
TO BE ENTITLED  
AN ACT

To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Be it Enacted by the Legislature of Alabama:

Section 1. In addition to any other investment now permitted by law, a guardian or trustee may invest the funds of his ward or of the beneficiary of the trust in Life, Endowment or Annuity Contracts of legal reserve life insurance companies duly qualified and authorized to write such business in the State of Alabama provided, however, that the annual premium or premiums on such contracts purchased by such guardian or trustee shall not exceed 25% of the income of the ward or the beneficiary for any calendar year preceding the date of such purchase. The contract must contain the following options after it has been in force for three years or less: A Cash Surrender Value Option, A Paid-Up Insurance or Endowment Option, and an Extended Insurance or Endowment Option. Such contract may be issued on the life or lives of the ward or wards, or beneficiary or beneficiaries of the trust or upon the life

or livés of persons in whose life or lives such ward or beneficiary of the trust has an insurable interest. The proceeds or avails of such contract shall be the sole property of the person or persons whose funds are invested therein. The contract or policy form may provide reasonable forfeiture for non-payment of premiums and must be a form of contract which has been approved by the Superintendent of Insurance of the State of Alabama. Whether such contract so specifically provides or not, the guardian or trustee shall have the right without order of Court to exercise for the use of the ward or beneficiary of the trust, any option contained in such contract, except that the guardian or trustee shall not have the right to borrow on security of said policy or its proceeds unless authorized to do so by order of the Court having jurisdiction of the guardianship or trust.

Section 2. The power herein given is in addition to and not in derogation of any power of investment given a guardian or trustee under existing law, but to the extent that any Statue now in force is in conflict herewith, the same shall be and is hereby repealed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Goodwin	Lawson	Shaver
Bradford	High	Newton	Simpson
Cater	Hill	Pinson	Smith
Dodson	Hornsby	St. John (Cullman)	Walton

—19

*Nays:*

—0

And said bill as thus amended again was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Goodwin	Newton	Simpson
Bradford	High	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Walton

—19

*Nays:*

—0

#### MESSAGE FROM THE SENATE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 148. To amend Section 301 of Title 61 of the Code of Alabama of 1940.

Also:

H. 177. To amend Section 213 of Title 28 of the 1940 Code of Alabama.

Also:

H. 178. To amend Title 28, Section 53, Code of 1940.

Also:

H. 236. To establish a Gorgas memorial and to provide for its maintenance and administration and to make the necessary appropriation to that end.

Also:

H. 334. To Amend Section 493 of Title 51 of the Code of Alabama of 1940.

Also:

H. 431. To amend Section 502, Title 51 of the Code of 1940.

Also:

H. 690. To require the Sheriffs of the Several Counties of the State to Fingerprint Each Person Coming Into His Custody; To Furnish A Copy of Such Fingerprints to the Director of the Federal Bureau of Investigation, Washington, D. C. and a Copy to the Director, Department of Public Safety, State Bureau of Investigation and Identification, Montgomery, Alabama; to provide that the Department of Public Safety, State Bureau of Investigation and Identification shall constitute the central assembling agency for receiving, maintaining and furnishing such fingerprint records; to provide for the necessary equipment; and to provide a fee for the several Sheriffs to be taxed and collected as other costs.

Also:

H. 705. To amend Section 333, of Title 55, of the Code of 1940. To provide for an additional member thereof, and to fix and provide for his compensation.

Also:

H. 713. To Amend Section 139 of Title 8 of the Code of Alabama of 1940.

Also:

H. 812. To further regulate the Office of the Clerk of the Supreme Court; to prescribe additional duties of said Clerk and to fix his salary.

Also:

H. 826. An Act to apply in, but only in, counties which have a population of 400,000 or more, according to the last or any subsequent Federal Census, and which counties are Wet Counties under Section 68 of Title 29 of the 1940 Code of Alabama; and to require the payment to such counties of a license tax, in addition to all other taxes and licenses now required by law, of one cent on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within such counties; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this Act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act; to repeal any existing ordinances or statutes in conflict with the provisions of this Act.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 50. To authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	Shaver
Benson	Espy	Kilborn	Simpson
Bentley	Goodwin	Kilborn	Smith
Bradford	High	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Walton

—19

Nays:

—0

The bill:

H. 837. To provide that the Court of County Commissioners or Board of Revenue or other governing body of St. Clair County,

Alabama, having two Court Houses in which the Judge of Probate is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	Newton
Benson	Cobb	Hill	Pinson
Bentley	Dodson	Hornsby	Shaver
Black	Espy	Kelly	Taylor
Bradford	Goodwin	Kilborn	Toomer
Carlton	Henderson	McCary	Walton

—23

*Nays:*

—0

The bill:

H. 836. To require all county officers on a salary basis in counties having a population of one hundred and forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and prerequisites derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act, or service charged for by them growing out of the performance of their official duties.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	Sherrer
Benson	Cobb	Hill	Simpson
Bentley	Dodson	Hornsby	Smith
Black	Espy	Kelly	Taylor
Bradford	Goodwin	Pinson	Toomer
Carlton	Henderson	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 834. To confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct



No. 1 in Lamar County, Alabama throughout and Co-Extensive with Lamar County, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Goodwin	Lawson	Simpson
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer

—23

The bill:

H. 607. To divide Lawrence County, Alabama, into four (4) Commissioner's Districts.—To define the boundaries thereof, and to provide for the survey and establishment of permanent boundaries to such Commissioner's District and to provide for the election of the members of the Board of Revenue, or other governing body, for said County by qualified voters of Lawrence County for each of such Commissioner's Districts; to provide that a member from each district shall be nominated and elected by the qualified voters of the entire County of Lawrence.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	St. John (Lawrence)
Bentley	Dodson	Hornsby	Shaver
Black	Espy	Kelly	Sherrer
Bradford	Goodwin	McCary	Smith
Carlton	Henderson	Newton	Taylor

—23

*Nays:*

—0

The bill:

H. 581. For the relief of the persons hereinafter named, and to require the Morgan County Board of Education to pay certain amounts to G. W. McCutcheon, F. O. Helms, Tennis Russell, Sam Osborn, Dallis Baker, Jerome Russell, Austin Jennings, Doss Knighten, James Brooks, Gip Yancey, Gilbert Prince, Gilbert Haynes, J. F. Turney, and Will Fielder on account of certain work done by them at the request and for the benefit of said Morgan County Board of Education and to provide the fund out of which the same shall be payable and the time within which said amount shall be paid.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	St. John (Lawrence)
Benson	Cobb	Hill	Shaver
Bentley	Dodson	Hornsby	Sherrer
Black	Espy	Kelly	Simpson
Bradford	Goodwin	Newton	Smith
Carlton	Henderson	Pinson	Taylor

—23

*Nays:*

—0

The bill:

H. 221. To amend Section 820, Title 51, of the Code of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Kilborn	Simpson
Benson	High	Lawson	Smith
Bentley	Hill	Pinson	Taylor
Bradford	Hornsby	St. John (Cullman)	Toomer
Cater	Kelly	Shaver	Walton
Espy			

—20

*Nays:*

—0

The bill:

H. 222. To Amend Section 204 of Title 8 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver
Benson	Goodwin	Lawson	Sherrer
Bentley	High	Newton	Simpson
Bradford	Hill	Pinson	Smith
Carlton	Hornsby	St. John (Cullman)	Toomer
Dodson	Kelly	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 832. To amend Sections 137 and 144 of Title 12 of the Code of Alabama of 1940.

Was taken up.

Mr. Simpson offered the following amendment to the bill:

Amend the Title of H. B. 832 by making same read:

"To amend Sections 134, 137 and 144 of Title 12 of the Code of Alabama of 1940" And add a section to be designated as Section One to appear before Section 1 of said act to read as follows:

"Sections One. That Section 134 of Title 12 of the Code of Alabama of 1940 be, and said Section 134 hereby is, amended to read as follows:

"Section 134. PERSONNEL BOARD; EXTENT OF ITS AUTHORITY DEFINED.—In and for each separate county of the State of Alabama which has a population of two hundred thousand or more people according to the 1930 federal census, there shall be a personnel board for the government and control by rules and regulations and practices hereinafter set out or authorized of all employees and appointees holding positions in the classified service of such counties and the municipalities therein whose population according to the last federal census was five thousand or more and such board is vested with such power, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service, the unclassified service shall include: All employees or appointees of a city or county board of education, a board of health or a library board; persons engaged in the profession of teaching or in supervising teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the director of personnel; one private secretary of a member of the governing body and of each officer except Judges elected by vote of the people; internes, resident physicians, student technicians and student nurses, while undergoing training in a hospital maintained by public funds; common laborers; members of boards who are not employed on a full time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians and surgeons who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; where there are two county sites or county courthouse sites maintained in one county and county officer or officers are required to maintain an office in one courthouse and a branch or subsidiary office in the other of said courthouses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, except as otherwise provided in this chapter.

The classified service shall not include the positions of chief deputy sheriff of a county, or chief of the police department, or chief of the fire department of a municipality, until the expiration of the

present term of office provided by law for the appointing authority, or until the termination of the tenure of the person now occupying such position. Upon either the expiration of the present term of office provided by law for the appointing authority, or the termination of the tenure of the person occupying the position of chief deputy sheriff, chief of the police department, or chief of the fire department (whichever happens first), the position shall become subject to the classified service; provided however that if a person who holds such position, until the expiration of the present term of office provided by law for the appointing authority, and is re-appointed thereto by the succeeding appointing authority, he shall be deemed to have earned permanent status in the classified service, and he shall thereafter be subject to all provisions of this chapter. In the event any person now occupying one of such positions was employed in a position in the department of which he is now chief, at the time he was appointed chief, and is hereafter removed from the position of chief, he shall have the option to return to a position in the same grade or classification in the department of which he is now chief as was the position held by him at the time he was appointed chief, unless his removal is for misconduct.

Each member of the board in all hearings before it may administer oaths, certify to official acts, subpoenas, compel the attendance of witnesses and the production of papers, books, and records and may punish for contempt of the board in like manner and extent as may be done by courts of county commissioners. A member of the board or his employer shall be prohibited from selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The term "independent contractor", as used in this section shall include a prospective independent contractor and the term "appointing authority", as used in this section, shall also include the public entity for which an appointing authority acts. The term "employee", as used in this chapter, shall not be deemed to include "independent contractors", but, in order to prevent evasions of the policy of this chapter, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this chapter be not evaded by the use of independent contractors, and whenever the board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this chapter as by an independent

contractor, the board may serve such appointing authority and such independent contractor, if such independent contractor be known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this chapter. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this chapter as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this chapter, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this chapter, and no compensation shall be paid to, or received by, an independent contractor affected by such order for work done after the date specified in such order. In arriving at its determination the board shall consider, among other things, and give appropriate weight, to the circumstance of whether or not competent persons are available for appointment under this chapter for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and or whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this chapter. The board, however, shall have no power to prohibit the use of independent contractors for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to it first made, may, but is not required, to permit the doing of such construction work by construction forces or employees of the appointing authority not appointed

under this chapter, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use an independent contractor for the further performance of any work after such work has been let to such independent contractor, an appointing authority may apply to the board in advance of the letting of any work to an independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as may be satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are herein above indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Shaver
Benson	Cobb	Hornsby	Sherrer
Bentley	Dodson	Kelly	Smith
Black	Espy	McCary	Taylor
Bradford	Goodwin	Newton	Toomer
Carlton	High	Pinson	Walton

—23

*Nays:*

—0

And said bill as thus amended was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Sherrer
Benson	Cobb	Lawson	Simpson
Bentley	Dodson	McCary	Smith
Black	Espy	Pinson	Taylor
Bradford	High	St. John (Lawrence)	Toomer
Carlton	Hill	Shaver	Walton

—23

*Nays:*

—0

The bill:

H. 81. To amend section six of equity rule fifty-five as it now appears in the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 26 ; Nays, 2.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Espy	Lawson	Sherrer	
Bentley	Goodwin	McCary	Simpson	
Black	High	Newton	Taylor	
Bradford	Hill	Pinson	Toomer	
Carlton	Hornsby	St. John (Cullman)	Walton	
Cater	Kelly	St. John (Lawrence)		—26

*Nays:* Messrs. Cobb and Smith —2

The bill:

H. 80. To amend equity rules fifty-one and fifty-two as set out in the 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 23 ; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Bentley	Espy	Kilborn	Simpson	
Black	Goodwin	Lawson	Smith	
Bradford	High	Pinson	Taylor	
Cater	Hill	St. John (Cullman)	Toomer	
Cobb	Hornsby	St. John (Lawrence)	Walton	—23

*Nays:* —0

The bill:

H. 147. To amend Section 73 of Title 34 of Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23 ; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	Shaver	
Benson	Dodson	Kilborn	Simpson	
Bentley	Espy	Lawson	Smith	
Black	Goodwin	Pinson	Taylor	
Bradford	Hill	St. John (Cullman)	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	—23

*Nays:* —0

The bill:

H. 198. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 20,977 inhabitants and not more than 21,912

inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Was taken up.

Mr. Newton offered the following amendment to the bill, to-wit:

Amend the title of House Bill 798 so as to read as follows:

To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 21,100 inhabitants and not more than 21,890 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Further amend Section 1 of said bill so as to read as follows:

Section 1. That courts of county commissioners or other like governing bodies of all counties having a population of not less than 21,100 inhabitants and not more than 21,890 inhabitants, according to the last or any subsequent federal census, shall in addition to the duties now prescribed by law supervise the operation of all public libraries within such counties.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	High	Pinson
Benson	Cobb	Hill	Shaver
Bentley	Dodson	Hornsby	Smith
Black	Espy	Kelly	Taylor
Bradford	Goodwin	McCary	Toomer
Carlton	Henderson	Newton	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bradford	Dodson	High
Benson	Carlton	Espy	Hill
Bentley	Cater	Goodwin	Hornsby
Black	Cobb	Henderson	Kelly



Kilborn	Madison	Newton	Shaver	
Lawson	McCary	Pinson	Sherrer	

—23

*Nays:* —0

The bill:

H. 146. To authorize the deposit with the State Treasurer or other State agency of investment share accounts or similar securities issued by any savings and loan association chartered by the State of Alabama or by the United States Government and doing business in the State of Alabama investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof; by any person, firm, corporation, association or other legal entity required or authorized under the laws of the State of Alabama to deposit securities with the State Treasurer or other State agency, provided the amount deposited shall not exceed the amount so insured.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Lawson	Shaver
Benson	Espy	Madison	Sherrer
Bentley	Goodwin	McCary	Simpson
Black	Hill	Pinson	Taylor
Bradford	Hornsby	St. John (Cullman)	Toomer
Carlton	Kelly	St. John (Lawrence)	Walton
Cater	Kilborn		

—25

*Nays:* —0

The bill:

H. 100. To repeal Sections 86, 87, 88 and 89 of Title 38, Code 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hill	Pinson	Toomer
Carlton	Hornsby	St. John (Cullman)	Walton
Cater	Kelly	St. John (Lawrence)	

—26

*Nays:* —0

The bill:

H. 219. To amend Title 51, Section 425 (b) of the Code of Alabama of 1940, a part of the Revenue Code, so as to include within the "deductions" therein permitted: contributions or gifts made by financial institutions to a Community Chest or to recognized religious, charitable, scientific or educational institutions or agencies, or institutions or agencies for the prevention of cruelty to children or animals which are not operated for profit and the net earnings of which do not inure to the benefit of any private stockholder or individual, or contributions for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Sherrer	
Bentley	Goodwin	Lawson	Simpson	
Bradford	Hill	McCary	Taylor	
Carlton	Hornsby	Pinson	Toomer	
Cater	Kelly	St. John (Cullman)	Walton	
Dodson				—20

*Nays:*

—0

The bill:

H. 61. To provide an optional method to income tax payers for returning as income, increases in redemption value of securities purchased at a discount.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Sherrer	
Benson	Goodwin	McCary	Simpson	
Bentley	Hill	Newton	Smith	
Black	Hornsby	Pinson	Taylor	
Bradford	Kelly	St. John (Cullman)	Toomer	
Dodson	Kilborn	Shaver	Walton	
				—23

*Nays:*

—0

The bill:

H. 70. To provide for the removal from office of fiduciaries engaged in war Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes

and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary" as used herein.

Was taken up.

Mr. Bentley offered the following amendment to the bill, to-wit:

To amend Section 2 of H. B. 70 to read as follows:

SECTION 2. Any fiduciary engaged in War Service may be removed from his office as such upon petition filed in the proper court having jurisdiction by any person interested in the trust fund or the estate being administered or by any co-fiduciary, or surety, and if the trust has not been fully executed or the administration of the estate has not been fully completed the court, upon such removal, must appoint a successor fiduciary to fill the vacancy caused by such removal if there is no trust instrument providing a practicable method of appointment. If the court shall find that because of the military service of the fiduciary, the stating of an account at that time is not possible, an accounting by such fiduciary in military service shall not be a prerequisite to the appointment of a successor fiduciary, and upon the reinstatement of such fiduciary or at such time as the said court deems meet such fiduciary may be required by said court to file an accounting of his administration of the trust fund.

Which was adopted.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	St. John (Cullman)
Benson	Dodson	Kilborn	Sherrer
Bentley	Espy	Lawson	Simpson
Black	Goodwin	McCary	Taylor
Bradford	Hill	Pinson	Walton
Carlton	Hornsby		

—21

*Nays:*

—0

And said bill, as thus amended, read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	Sherrer
Benson	Dodson	Kilborn	Simpson
Bentley	Espy	Lawson	Smith
Black	Goodwin	McCary	Taylor
Bradford	Hill	Pinson	Walton
Carlton	Hornsby	St. John (Cullman)	

—22

*Nays:*

—0

## MESSAGE FROM THE SENATE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 87. WHEREAS, the Secretary of the Treasury of the United States, in June, 1941, designated a committee to study intergovernmental fiscal relations and problems between the federal state, and local governments, to make a report of their findings, and recommendations to bring about a more sympathetic understanding, a more practical plan of cooperation, and a better system of coordination of effort between federal and state governments.

WHEREAS, this committee has finished its investigation, reported its findings, and made certain recommendations to the Secretary of the Treasury for the solution of the problems presented. Among the recommendations suggested are the following:

(a) That a Joint Federal-State Fiscal Authority be created, consisting of three full-time members, one to be appointed by the President, one to be designated by the states, and the third to be selected by these two members.

(b) That sufficient funds be provided for the purpose of enabling such authority to perform the duties prescribed; one-half of the costs to be paid by the Federal Government and the other half to be paid by the several states.

(c) That the Authority be authorized to express advisory opinions on proposals for governmental fiscal coordination and make recommendations for the solution of problems arising from the multiplicity of taxation by the several units of government.

(d) That the Authority be authorized to make specific recommendations for the elimination of conflicts and confusions in the levying of taxes and the administration of the revenue measures of the several units of government.

(e) That the Authority be required to present plans to bring about more cooperation and better spirit of coordination in the administration of the revenue laws of the several units of government.

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the Governor of Alabama be and he is hereby authorized and empowered to cooperate with the Treasury Department, or any other agency of the Federal Government, and the several states of the Union in the creation of a Joint Federal-State Fiscal Authority composed of not less than three members, to be designated by the Federal Government and the several states, to perform the duties outlined or required, and to accomplish the

purposes set forth in the report and recommendations identified, including the following: (a) make impartial suggestions to the Federal Government and the several states on matters of conflicting taxation; (b) give advisory opinions on proposals for intergovernmental fiscal coordination and from time to time make recommendations for the solution of specific fiscal problems; (c) develop a program for dealing systematically with local taxation of Federal properties and Federal transactions; and (d) gather and disseminate information on intergovernmental fiscal relations, conduct necessary research and facilitate the improvement of public financial reporting by governmental units.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The resolution, H. J. R. 87, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 381. To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3, Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama, by adding thereto Section XVI.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 76. Relative to the designating of House Bill 714 as the White-Henderson-High-Carlton Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 72. To make an appropriation for the support and maintenance of the Tuskegee Institute.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kilborn	Slaver	
Benson	Dodson	Lawson	Sherrer	
Bentley	Espy	Madison	Simpson	
Black	Goodwin	McCary	Smith	
Bradford	High	Pinson	Toomer	
Carlton	Hill	St. John (Cullman)	Walton	
Cater	Hornsby	St. John (Lawrence)		—26

*Nays:*

—0

The bill:

H. 482. To remove cloud upon title to real estate erroneously sold for taxes.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the Bill, to-wit:

Amend House Bill 482 by striking from the last line of said bill the word "avoiding" and by substituting in lieu thereof the word "voiding".

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Sherrer	
Benson	Espy	Lawson	Simpson	
Bentley	Goodwin	Pinson	Smith	
Black	Hill	St. John (Cullman)	Toomer	
Bradford	Hornsby	St. John (Lawrence)	Walton	
Carlton	Kelly	Slaver		—22

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	McCary	Sherrer	
Benson	Goodwin	Pinson	Simpson	
Bentley	High	St. John (Cullman)	Smith	
Bradford	Hill	St. John (Lawrence)	Toomer	
Carlton	Hornsby	Shaver	Walton	
Cater	Kelly			—21

*Nays:* —0

The bill:

H. 364. To amend section 385 of Title 51 of the Code of Alabama of 1940 to allow as a deduction in the computation of net income for income tax purposes certain non-trade or non-business expenses.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Benson	Garrett	Lawson	Sherrer	
Bentley	Goodwin	Madison	Simpson	
Bradford	High	Newton	Smith	
Carlton	Hill	Pinson	Toomer	
Cater	Hornsby	St. John (Cullman)	Walton	
Dodson	Kelly	St. John (Lawrence)		—26

*Nays:* —0

The bill:

H. 674. To amend Section 125, Title 5, Code of Alabama of 1940, and to provide that the Section as amended shall not repeal or alter the provisions of Title 62, Section 140, of the 1940 Code of Alabama.

Was taken up.

The Standing Committee on Banking reported the following amendment to the bill:

Amend Section One of House Bill No. 674 by striking out the following words: "Provided, however, that any such bank may move a branch to any City, Town or Village situated in a County in which such bank is operating a branch on the first day of July, 1943." And, insert in lieu thereof the following words: "Provided, however, that any such bank may move a branch to any City, Town or Village situated in the same County in which such branch is being operated on the first day of July, 1943."

Which was, on motion of Mr. Kilborn, tabled.

Yeas, 15; Nays, 9.

*Yeas:*

Messrs.:	Carlton	Hill	Shaver
Benson	Cater	Hornsby	Simpson
Bentley	Cobb	Kilborn	Smith
Bradford	Goodwin	St. John (Lawrence)	Walton

—15

*Nays:*

Messrs.:	Henderson	Madison	St. John (Cullman)
Dodson	Kelly	Pinson	Toomer
Espy	Lawson		

—9

Mr. Benson then moved to indefinitely postpone the bill.

Mr. Lawson then moved to table the motion to indefinitely postpone the bill, which motion prevailed.

Yeas, 14; Nays, 12.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Cullman)
Bradford	Henderson	Lawson	Sherrer
Cater	High	Madison	Toomer
Dodson	Kelly	Pinson	

—14

*Nays:*

Messrs.:	Goodwin	Newton	Simpson
Benson	Hill	St. John (Lawrence)	Smith
Carlton	Hornsby	Shaver	Walton
Cobb			

—12

Mr. St. John (Lawrence) offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Title 5, Section 125 of the Code of Alabama of 1940.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 125 of Title 5 of the Code of Alabama of 1940 be and the same is hereby amended so as to read as follows:

"Section 125 (6354). Branch bank. No bank, or any officer, agent or director thereof shall be permitted to establish a branch or office for the transaction of the banking business other than at its principal place of business.

If any bank shall have heretofore legally and by authority of law established one or more branches thereof in a city, town or village other than at the principal place of business of such bank, such bank shall not be permitted to move or change the location of



said branch or office to another or different city, town or village, or to establish any other branch in another city, town or village, than its principal place of business, provided however, that any such bank may move the location of any such branch from one city, town or village to another city, town, or village in the state upon the approval of the superintendent of banks and of a majority of the stockholders of such bank given at a meeting of the stockholders called for that purpose, and provided further that if such change in location is made for the purpose of taking over and carrying on the business of a bank in a failing condition and is made at the request of the banking authorities the approval of the stockholders may be dispensed with and shall not be necessary.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect immediately upon its approval by the Governor.

Mr. Kilborn moved that the substitute for the bill be laid on the table, which motion was lost.

Yeas, 14; Nays, 15.

*Yeas:*

Messrs.:	Henderson	Lawson	St. John (Cullman)	
Cater	High	Madison	Sherrer	
Dodson	Kelly	McCary	Toomer	
Espy	Kilborn	Pinson		—14

*Nays:*

Messrs.:	Carlton	Hornsby	Simpson	
Benson	Cobb	Newton	Smith	
Bentley	Goodwin	St. John (Lawrence)	Taylor	
Bradford	Hill	Shaver	Walton	—15

The question then recurred on the substitute offered by Mr. St. John (Lawrence), which was lost.

Yeas, 13; Nays, 16.

*Yeas:*

Messrs.:	Cobb	Newton	Simpson	
Benson	Goodwin	St. John (Lawrence)	Smith	
Bentley	Hill	Shaver	Walton	
Carlton	Hornsby			—13

*Nays:*

Messrs.:	Henderson	Lawson	St. John (Cullman)	
Bradford	High	Madison	Sherrer	
Cater	Kelly	McCary	Taylor	
Dodson	Kilborn	Pinson	Toomer	
Espy				—16

Mr. St. John (Lawrence) offered the following amendment to the bill:

Amend H. B. 674 by adding to Section 1 at the end thereof the following:

and provided that any bank may move any branch from one City, Town or Village to another town or village not more than fifty miles distant from the location of such branch on July 1, 1943.

Mr. St. John (Cullman) moved to table the amendment, which motion was lost.

Yeas, 12; Nays, 17.

*Yeas:*

Messrs.:	Henderson	Lawson	St. John (Cullman)	
Cater	High	Madison	Sherrer	
Dodson	Kelly	Pinson	Toomer	
Espy				—12

*Nays:*

Messrs.:	Cobb	McCary	Simpson	
Benson	Goodwin	Newton	Smith	
Bentley	Hill	St. John (Lawrence)	Taylor	
Bradford	Hornsby	Shaver	Walton	
Carlton	Kilborn			—17

The amendment by Mr. St. John (Lawrence) was then adopted.

Yeas, 16; Nays, 12.

*Yeas:*

Messrs.:	Cobb	Kilborn	Sherrer	
Benson	Goodwin	Newton	Simpson	
Bentley	Hill	St. John (Lawrence)	Smith	
Bradford	Hornsby	Shaver	Walton	
Carlton				—16

*Nays:*

Messrs.:	Henderson	Lawson	Pinson	
Cater	High	Madison	St. John (Cullman)	
Dodson	Kelly	McCary	Toomer	
Espy				—12

#### PAIR ANNOUNCED

Mr. Taylor announced that he was paired with Mr. Garrett on the vote. That he, Mr. Taylor, would vote "Yea," and Mr. Garrett, if present, would vote "Nay."

Mr. St. John (Cullman) moved that further consideration of the bill, as amended, be indefinitely postponed, and on motion of Mr. Espy, the motion to indefinitely postpone was laid on the table.

Yeas, 15; Nays, 13.

*Yeas:*

Messrs.:	Espy	Kilborn	Pinson
Bradford	Henderson	Lawson	Smith
Cater	High	Madison	Toomer
Dodson	Kelly	McCary	Walton

—15

*Nays:*

Messrs.:	Cobb	Newton	Shaver
Benson	Goodwin	St. John (Cullman)	Sherrer
Bentley	Hill	St. John (Lawrence)	Simpson
Carlton	Hornsby		

—13

## PAIR ANNOUNCED

Mr. Taylor announced that he was paired with Mr. Garrett on the vote. That he, Mr. Taylor, would vote "Yea," and Mr. Garrett, if present, would vote "Nay."

And said bill, as thus amended, read a third time at length and Passed.

Yeas, 26; Nays, 4.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Smith
Black	Henderson	McCary	Taylor
Bradford	High	Newton	Toomer
Carlton	Hornsby	Pinson	Walton
Cobb	Kelly	St. John (Lawrence)	

—26

Nays: Messrs. Cater, Hill, St. John (Cullman) and Simpson

—4

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill, H. 712, said Governor's message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I hereby transmit to you a message from the Governor returning House Bill No. 712 without his approval.

Respectfully submitted,

A. M. McDOWELL,  
Legal Adviser to the Governor.

July 1, 1943.

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I am herewith returning to you, the Body in which this bill originated, House Bill No. 712 without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend House Bill # 712 by striking therefrom the whole of Section 2 and by re-numbering Section 3 and making it Section 2.

Respectfully,

CHAUNCEY SPARKS,

Governor.

July 1, 1943.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill H. 712, by a vote of Yeas. 65; Nays, 0, which was a majority of the whole number elected to the House, and said bill:

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30, 1944 and September 30, 1945.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of: Yeas, 65; Nays, 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

R. T. Goodwyn, Jr.,

Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Toomer, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 712, which said amendment is set out in the foregoing Message from the House, to-wit:

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver
Benson	Cobb	Kelly	Sherrer
Bentley	Dodson	Kilborn	Simpson
Black	Espy	Madison	Smith
Bradford	Henderson	Newton	Toomer
Carlton	High	St. John (Lawrence)	Walton

—23

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended, by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	St. John (Lawrence)	
Benson	Dodson	Kilborn	Shaver	
Bentley	Espy	Lawson	Simpson	
Black	Henderson	Madison	Smith	
Bradford	High	Newton	Toomer	
Carlton	Hill	Pinson	Walton	
Cater	Hornsby	St. John (Cullman)		—26

*Nays:* —0

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill H. 76, said Governor's message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 76 with a suggested Executive Amendment.

Respectfully submitted,

A. M. McDOWELL,  
Legal Adviser to the Governor.

July 1, 1943.

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I am herewith returning to you, the body in which this bill originated, House Bill No. 76, without my approval.

I suggest the following Executive Amendment, which, if adopted, will remove my objection to said bill:

Amend Section 6 of said bill by striking therefrom the words, "This act shall take effect upon its approval by the Governor," and substitute therefor the following:

"This Act shall become effective on September 1, 1943."

Respectfully,

CHAUNCEY SPARKS,  
Governor.

July 1, 1943.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 76, by a vote of: Yeas, 67; Nays, 0, which was a majority of the whole number elected to the House, and said bill:

H. 76. To abolish bills of exception in the circuit court and courts of like jurisdiction and all other courts of Record having a full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of: Yeas, 67; Nays, 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Cater, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the bill, H. 76, which said amendment is set out in the foregoing Message from the House, to-wit:

Yeas, 22; Nays, 0.

#### *Yeas:*

Messrs.:	Cobb	Kelly	Pinson
Bentley	Dodson	Kilborn	St. John (Cullman)
Black	Espy	Lawson	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	Hill	McCary	Toomer
Cater	Hornsby	Newton	

—22

#### *Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	Pinson	
Bentley	Dodson	Kilborn	St. John (Cullman)	
Black	Espy	Madison	Sherrer	
Bradford	High	McCary	Simpson	
Carlton	Hill	Newton	Toomer	
Cater	Hornsby			—21

*Nays:* —0

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill, H. 665, said Governor's message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 665 without his approval.

Respectfully submitted,

A. M. McDOWELL,  
Legal Adviser to the Governor.

July 1, 1943

To the House of Representatives  
Montgomery, Alabama

Gentlemen:

I am herewith returning to you, the Body in which this bill originated, House Bill No. 665 without my approval.

I suggest the following Executive Amendment which, if adopted, will remove my objection to said bill:

Amend House Bill No. 665 by striking therefrom the whole of Section 2 and by re-numbering Section 3 and making it Section 2.

Respectfully,

CHAUNCEY SPARKS,  
Governor.

July 1, 1943.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 665, by a vote of: Yeas, 63; Nays, 2, which was a majority of the whole number elected to the House, and said bill:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each of

the fiscal years ending September 30th, 1944 and September 30th, 1945.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of: Yeas, 63; Nays, 2, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Madison, the Senate concurred in the amendment proposed by His Excellency, the Governor, to the Bill, H. 665, which said amendment is set out in the foregoing Message from the House, to-wit:

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Newton	
Bentley	Dodson	Kelly	Pinson	
Black	Espy	Kilborn	St. John (Cullman)	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Toomer	
Cater	Hill			—20

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Newton	
Bentley	Dodson	Kelly	Pinson	
Black	Espy	Kilborn	St. John (Cullman)	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Toomer	
Cater	Hill			—21

*Nays:*

—0

Which was a majority of the whole number elected to the Senate.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 798. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 21,100 inhabitants and not more than 21,890 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following bills:

S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama.

Also:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Also:

S. 42. To provide for the regulation of foundlings and a foundling report.

Also:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Also:

S. 22. To promote the prevention and cure of cancer, to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer.

Also:

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the

city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

Also:

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter, be made, a charge upon said County", approved April 13, 1911.

Also:

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 155. To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal.

Also:

S. 206. To amend Sections 44 and 49 of Chapter 2 of Title 60 Code of Alabama of 1940 establishing the office of state service commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 142. To provide that the amount of \$68,256.58 remaining after the payment of expenses and costs of administration of House

Bill No. 67, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, be transferred to the General Fund.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn, the Senate concurres in and adopted the following amendment by the House:

Amendment to Senate Bill #142.

Amend Senate Bill #142 by striking from the caption thereof the following words and figures: "House Bill No. 67"; and substituting in its place and stead the following words and figures: "House Bill No. 83."

And further amend Senate Bill #142 by striking from Section 1 thereof the following words and figures; "House Bill No. 67"; and substituting in its place and stead the following words and figures: "House Bill No. 83."

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson	
Bentley	Dodson	Kelly	St. John (Cullman)	
Black	Espy	Kilborn	Sherrer	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Toomer	
Cater	Hill	Newton		—22

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson	
Bentley	Dodson	Kelly	St. John (Cullman)	
Black	Espy	Kilborn	Sherrer	
Bradford	Henderson	Madison	Simpson	
Carlton	High	McCary	Toomer	
Cater	Hill	Newton		—22

## RECESS

At 1:10 P.M., on motion of Mr. Carlton, the Senate took a recess until 3:15 P.M.

## FIFTY-NINTH DAY—AFTERNOON SESSION

July 1, 1943.

The Senate re-assembled at 3:15 P. M., Lieutenant Governor-Ellis, presiding

## ROLL CALL

## Present :

Messrs.:	Dodson	Kilborn	Shaver
Benson	Espy	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Black	Henderson	McCary	Smith
Bradford	High	Newton	Taylor
Carlton	Hill	Pinson	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb	Kelly	St. John (Lawrence)	

—30

## REPORTS OF COMMITTEES

Mr. Shaver, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Coburn:

H. 23. To amend Section 297 of Title 13 of the 1940 Code of Alabama:

By Mr. Jackson (of Tallapoosa):

H. 420. To provide that the Sheriff of any County in Alabama shall be paid the same fees for attending non-jury Civil Courts as in jury Civil Courts and for attending upon jury and non-jury criminal courts as in Jury civil Courts.

By Mr. McGinty:

H. 184. To repeal Section 62 of Title 8 of the Code of Alabama of 1940.

By Mr. Coburn:

H. 24. To amend Section 295 of Title 13 of the 1940 Code of Alabama:

By Mr. Jackson (of Tallapoosa):

H. 421. To provide for the fees and mileage to be paid to the Sheriffs of the several Counties of Alabama for taking into custody persons charged with being of unsound mind, and fixing the same fees for feeding insane prisoners as are allowed by the State for the feeding of other state prisoners.

By Mr. Hooton:

H. 664. To amend Section 70 of Title 30 of the 1940 Code of Alabama.

By Mr. Segrest:

H. 666. To amend Section 335 of Title 55 of the Code of Alabama of 1940.

By Mr. Ard:

H. 726. To amend Section 595, Title 7, of the Code of Alabama of 1940.

By Mr. Ard:

H. 727. To amend Section 536, Title 7, of the Code of Alabama of 1940.

Mr. Simpson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bennett (of Barbour):

H. 693. To amend Section 752, Title 51 of the Code of Alabama of 1940.

Mr. McCary, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sessions:

H. 553. To repeal Sections 145 to 162, inclusive, of Title 28 of the Code of Alabama of 1940, and to provide that such repeal shall not affect the obligation of any life insurance company organized under the laws of this State to maintain with respect to all registered policies heretofore issued by it under the provisions of said sections so repealed the deposits now required with respect to such registered policies or the right of any such company to make additional deposits or to increase such deposits or to withdraw excess deposits or to collect and receive the income, interest coupons, rents and profits on the securities so deposited or any of the rights, duties and obligations of the Superintendent of Insurance and the State Treasurer, respectively, with reference to all such deposits, all as now provided by any and all of said sections.

## REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report:

H. J. R. 66. Relative to an amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts.

And said resolution was then adopted by the Senate.

## REPORT FROM RULES COMMITTEE

Mr. Carlton, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report:

H. J. R. 87. Relative to a Committee to study intergovernmental fiscal relations and problems between the federal, state and local governments.

And said resolution was then adopted by the Senate.

## RESOLUTION

The Rules Committee offered the following resolution:

S. R. 84. BE IT RESOLVED BY THE SENATE that House Bill No. 536, on page 16, be added to the Special Orders for today.

Which was adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational cam-

paign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer.

Also:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Also:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Also:

S. 42. To provide for the registration of foundlings and a foundling report.

Also:

S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama.

Also:

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Also:

S. 155. To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal.

Also:

S. 206. To amend Sections 44 and 49 of Chapter 2 of Title 60 of Code of Alabama of 1940 establishing the office of state service commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

Also:

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

Also:

S. 381. To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3 Houston County, Ala-

bama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama; by adding thereto Section XVI.

Also:

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

Also:

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate Amendment to the Bills:

H. 70. To provide for the removal from office of fiduciaries engaged in war Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to de-



fine the term "War Service" and the term "fiduciary" as used herein.

Also:

H. 199. To amend Section 20, Title 34, Code 1940.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 832. To amend Sections 134, 137 and 144 of Title 12 of the Code of Alabama of 1940.

Also:

H. 18. To amend Section 88, Title 36, Code of Alabama, 1940.

Also:

H. 482. To remove cloud upon title to real estate erroneously sold for taxes.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 358. To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Espy, the Senate concurred in the following House amendment to the bill, S. 358, the title of which is set out in the foregoing Message from the House, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done

outside the corporate limits, but within the police jurisdiction thereof.

Be It Enacted By The Legislature Of Alabama:

SECTION 1. That any city or town within the State of Alabama may fix and collect licenses for any business, trade or profession done within the police jurisdiction of such city or town outside the corporate limits thereof; provided, however, that the amount of such licenses shall not be more than one-half the amount charged and collected as a license for like business, trade or profession done within the corporate limits of such city or town, fees and penalties excluded. Provided, further that when the place at which any such business, trade or profession is done or carried on within the police jurisdiction of two or more municipalities which levy the licenses thereon authorized by this Act, such licenses paid to and collected by that municipality only whose boundary measured to the nearest point thereof is closest to such business, trade or profession. Provided that this Act shall not have the effect to repeal or modify the limitations in Article 3, Chapter 15, Title 37, of the 1940 Code of Alabama, relating to railroad, express companies, sleeping car companies, telegraph companies, telephone companies and public utilities, and insurance companies and their agents.

SECTION 2. All laws, or parts of laws, general, local or special, in conflict herewith are hereby expressly repealed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Cullman)	
Benson	Espy	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	Pinson	Walton	
Cater	Hornsby			—21

*Nays:*

—0

And said bill as thus amended was again read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Bentley	Goodwin	Lawson	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	McCary	Taylor	
Cater	Hornsby	Pinson	Walton	
Dodson	Kelly	St. John (Cullman)		—22

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolution, your signature thereto is requested:

H. 49. To amend Section 820, Title 51, of the Code of 1940.

Also:

H. 50. To authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate.

Also:

H. 61. To provide an optional method to income tax payers for returning as income, increases in redemption value of securities purchased at a discount.

Also:

H. 72. To make an appropriation for the support and maintenance of the Tuskegee Institute.

Also:

H. 80. To amend equity rules fifty-one and fifty-two as set out in the 1940 Code of Alabama.

Also:

H. 81. To amend section six of equity rule fifty-five as it now appears in the 1940 Code of Alabama.

Also:

H. 100. To repeal Sections 86, 87, 88 and 89 of Title 38, Code 1940.

Also:

H. 146. To authorize the deposit with the State Treasurer or other State agency of investment share accounts or similar securities issued by any savings and loan association chartered by the State of Alabama or by the United States Government and doing business in the State of Alabama investments in which are guaranteed as to principal by the United States Government or insured as to principal by any instrumentality or agency thereof, by any person, firm, corporation, association or other legal entity required or authorized under the laws of the State of Alabama to deposit securities with the State Treasurer or other State agency, provided the amount deposited shall not exceed the amount so insured.

Also:

H. 147. To amend Section 73 of Title 34 of Code of Alabama of 1940.

Also:

H. 153. To amend Section 71, Title 36, Code 1940.

Also:

H. 219. To amend Title 51, Section 425 (b) of the Code of Alabama of 1940, a part of the Revenue Code, so as to include within the "deductions" therein permitted: contributions or gifts made by financial institutions to a Community Chest or to recognized religious, charitable, scientific or educational institutions or agencies, or institutions or agencies for the prevention of cruelty to children or animals which are not operated for profit and the net earnings of which do not inure to the benefit of any private stockholder or individual, or contributions for vocational rehabilitation authorized by the United States Vocational Rehabilitation Act.

Also:

H. 364. To amend section 385 of Title 51 of the Code of Alabama of 1940 to allow as a deduction in the computation of net income for income tax purposes certain non-trade or non-business expenses.

Also:

H. 581. For the relief of the persons hereinafter named, and to require the Morgan County Board of Education to pay certain amounts to G. W. McCutcheon, F. O. Helms, Tennis Russell, Sam Osborn, Dallis Baker, Jerome Russell, Austin Jennings, Doss Knighten, James Brooks, Gip Yancey, Gilbert Prince, Gilbert Haynes, J. F. Turney, and Will Fielder on account of certain work done by them at the request and for the benefit of said Morgan County Board of Education and to provide the fund out of which the same shall be payable and the time within which said amount shall be paid.

Also:

H. 607. To divide Lawrence County, Alabama, into four (4) Commissioner's Districts.—To define the boundaries thereof, and to provide for the survey and establishment of permanent boundaries to such Commissioner's District and to provide for the election of the members of the Boards of Revenue, or other governing body, for said County by qualified voters of Lawrence County for each of such Commissioner's Districts; to provide that a member from each district shall be nominated and elected by the qualified voters of the entire County of Lawrence.

Also:

H. 704. To Amend Section 428, Title 37, Code of 1940.

Also:

H. 744. To Amend An Act Entitled: "AN ACT To establish an Inferior Law Court of Chilton County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; to provide for the election of the judge of said Court, his term of office, and how vacancy in judgeship shall be filled."

Also:

H. 798. To provide additional duties for courts of county commissioners or like governing bodies of all counties having a population of not less than 21,100 inhabitants and not more than 21,890 inhabitants, according to the last or any subsequent federal census, and to provide an additional per diem for the members of such courts of county commissioners or other governing bodies for such additional duties.

Also:

H. 811. To provide for the creation and establishment of an endowment fund from donations or gifts made to the Department of Archives and History of the State of Alabama, and to provide for what purposes such endowment fund may be used and for the investment thereof; to provide for the payment by the State to said Department of Archives and History of the interest so earned by investment of the money deposited with the State Treasury to the credit of said endowment fund; to provide the procedure for withdrawing money from said fund, and for perpetuating or memorializing the name of any donor who gives as much as five thousand dollars (\$5,000) to said department.

Also:

H. 834. To confer upon Justices of the Peace and Notaries Public, with powers of Justices of the Peace, in and for Precinct No. 1 in Lamar County, Alabama throughout and Co-Extensive with Lamar County, Alabama.

Also:

H. 836. To require all county officers on a salary basis in counties having a population of one hundred and forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and prerequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the perform-

ance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

Also:

H. 837. To provide that the Court of County Commissioners or Board of Revenue or other governing body of St. Clair County, Alabama, having two Court Houses in which the Judge of Probate is required to maintain a branch office for the registration or recording of all papers authorized to be recorded in the office of the Judge of Probate shall pay the Clerk in said office of the Judge of Probate of said branch office or court house a sum not less than \$1,000.00 nor more than \$1,800.00 per annum, payable in twelve monthly installments out of the County Treasury.

Also:

H. J. R. 81. Relative to the creation, duties and compensation of Interim Committees on: Appropriations and Finance; Agriculture and Industries; Constitution and Legislative Procedure; Highway and Aviation Development and Transportation; State, County and Municipal Government; Social Welfare and Development.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

#### CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 757. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the First Monday in November, 1944, for their consideration, an amendment to Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate, and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff and Register of the Circuit Court, and provide the method and basis of their compensation in Walker County, Alabama.

Was read a third time at length as required by the Constitution, and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Benson	Goodwin	Lawson	Shaver	
Bentley	Henderson	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Newton	Taylor	
Cater	Hornsby	Pinson	Toomer	
Dodson	Kelly	St. John (Cullman)		—26

*Nays:*

—0

The bill:

H. 361. To Amend Section 92, of Title 41, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 19; Nays, 2.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver	
Benson	Espy	Kilborn	Simpson	
Bentley	High	Madison	Smith	
Bradford	Hill	Pinson	Taylor	
Cater	Hornsby	St. John (Cullman)	Walton	
				—19

*Nays:* Messrs.: Lawson and McCary

—2

The bill:

H. 359. To Amend Section 32 of Title 12, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 16; Nays, 5.

*Yeas:*

Messrs.:	Dodson	Hill	Shaver	
Benson	Espy	Hornsby	Smith	
Bentley	Goodwin	Kilborn	Taylor	
Bradford	High	Madison	Toomer	
Cater				—16

*Nays:* Messrs.: Lawson, McCary, St. John (Cullman) Simpson, Walters —5

The bill:

H. 190. To provide for payment to the Sheriff furnishing evidence and bringing about the conviction of any person, who steals

any horse, mare, gelding, colt, filley, mule, jack, jennet, cow, or animal of the cow kind.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Lawson	Shaver
Benson	High	Pinson	Simpson
Bentley	Hill	Madison	Smith
Bradford	Hornsby	McCary	Taylor
Cater	Kelly	St. John (Cullman)	Toomer
Dodson	Kilborn	St. John (Lawrence)	Walton

—23

*Nays:*

—0

The bill:

H. 139. To supplement the salaries of the Circuit Judges in Alabama in all judicial circuits that now or may hereafter have a population of not less than 115,000 nor more than 130,000 according to the last or any subsequent Federal census, said judicial circuits having only two judges, provided the salaries of such judges in such judicial circuits as paid by the State of Alabama shall not already be supplemented by payments from the County Treasuries of said counties, and to provide for the payment of such Judges' supplemental salaries. Provided, that on and after the first Monday after the second Tuesday in January, 1947, the provisions of this Act shall be inoperative and void.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to the bill, to-wit:

"Amend Section 1 House Bill 139.

By adding at the end thereof the following:

"Provided further that nothing in this Act shall apply to any county with a population of more than 49,000 and less than 53,000 according to the last federal census."

Mr. McCary, then moved to table the Committee Amendment, which motion was lost. And the committee amendment was then adopted.

Yeas, 16; Nays, 8.

*Yeas:*

Messrs.:	Cater	Espy	Henderson
Carlton	Dodson	Goodwin	High



Kelly	St. John (Cullman)	Sherrer	Toomer
Madison	Shaver	Simpson	Walton
Pinson			

—16

*Nays:*

Messrs.:	Bradford	Lawson	St. John (Lawrence)
Benson	Hornsby	McCary	Smith
Bentley			

—8

Mr. McCary offered the following amendment to the Bill, as amended, to-wit:

Amend Section 1 of House Bill 139 by striking out the words "twelve hundred dollars (\$1200.00)" where they appear therein and inserting in lieu thereof the following: "six hundred dollars (\$600.00)."

Which was, on motion of Mr. Bentley tabled

Mr. McCary, also offered the following amendment to the bill, as amended, to-wit:

To amend Section 1 of House Bill 139 by striking out the following words where they appear in said Section:

"based upon the assessed tax valuation of all property of such county for the preceding year."

On motion of Mr. Bentley, said amendment was laid on the table.

Mr. McCary then moved that further consideration of the bill, as amended, be indefinitely postponed.

Mr. Bentley then moved to table said motion to indefinitely postpone, and the motion to table prevailed.

Yeas, 15; Nays, 10.

*Yeas:*

Messrs.:	Espy	Kilborn	Simpson
Bentley	Goodwin	Pinson	Smith
Bradford	Hill	St. John (Cullman)	Toomer
Cater	Hornsby	Shaver	Walton

—15

*Nays:*

Messrs.:	Dodson	Kelly	McCary
Benson	Henderson	Lawson	Sherrer
Carlton	High	Madison	

—10

Mr. McCary also offered the following amendment to the Bill, as amended, to-wit:

Amend House Bill 139 by adding the following to Section 1 of said bill:

"This act shall not apply to any county having a population of more than 56,000 and not more than 64,000 according to the 1940 federal census or any subsequent census."

Mr. Bentley then moved to table the amendment, and the motion to table was lost.

Yeas, 8; Nays, 14.

*Yeas:*

Messrs.:	Bradford	Cater	Hill	
Benson	Carlton	Goodwin	Smith	
Bentley				—8

*Nays:*

Messrs.:	Hornsby	McCary	Sherrer	
Dodson	Kelly	Pinson	Simpson	
Henderson	Lawson	St. John (Cullman)	Walton	
High	Madison	Shaver		—14

The amendment offered by Mr. McCary was then adopted.

Yeas, 15; Nays, 10.

*Yeas:*

Messrs.:	Henderson	Madison	Sherrer	
Cobb	High	McCary	Simpson	
Dodson	Kelly	Pinson	Toomer	
Espy	Lawson	St. John (Cullman)	Walton	—15

*Nays:*

Messrs.:	Bradford	Goodwin	St. John (Lawrence)	
Benson	Carlton	Hill	Smith	
Bentley	Cater	Hornsby		—10

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nay, 1.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Bentley	Goodwin	Lawson	Shaver
Bradford	Henderson	Madison	Sherrer
Carlton	High	McCary	Simpson
Cater	Hill	Pinson	Toomer
Dodson	Hornsby	St. John (Cullman)	Shaver

*Nay:* Mr. Benson

—1

The bill:

H. 745. FOR THE RELIEF OF GLENN DAVIS.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Goodwin	Madison	Sherrer
Benson	High	Pinson	Simpson
Bradford	Hill	St. John (Cullman)	Smith
Carlton	Hornsby	St. John (Lawrence)	Toomer
Cater	Kilborn	Shaver	Walton
Espy	Lawson		

—21

*Nays:*

—0

The bill:

H. 647. To amend Section 642 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Shaver
Benson	Goodwin	Lawson	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hill	St. John (Cullman)	Smith
Cater	Hornsby	St. John (Lawrence)	Walton

—19

*Nays:*

—0

The bill:

H. 615. To authorize the State of Alabama to appropriate and to pay to J. E. Clem of Athens, Alabama the sum of \$500.00 to reimburse the said J. E. Clem, for hospital and doctors bills and medicine bills, and loss of time, and the permanent loss of the use of his right arm, on account of being run over by a State Highway Patrol car being driven by R. A. Troupe, a State Highway Patrolman, acting in the line of his duty, on the 5th day of February 1942, in the City of Athens, Alabama.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	Pinson
Benson	Espy	Kelly	St. John (Lawrence)
Bradford	Goodwin	Lawson	Simpson
Carlton	High	Madison	Smith
Cater	Hill	McCary	Walton
Cobb			

—20

*Nays:*

—0

The bill:

H. 702. To amend Section 684 of Title 51 of 1940 Code of Alabama.

Was read a third time at length and passed.

Yeas, 18; Nay, 1.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver	
Benson	Dodson	Lawson	Simpson	
Bentley	Espy	Madison	Smith	
Bradford	Goodwin	McCary	Walton	
Carlton	High	Pinson		—18

*Nay:* Mr. St. John (Cullman)

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bills:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for violation of the same.

Also:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; to authorize the Alabama State Board of Agriculture to determine the availability of the necessary ingredients; to define the terms used herein; to fix active enforcement date; and to fix penalties for violation of same.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John (Cullman) the Senate concurred in and adopted the following amendment by the House, to the bill, S. 357, the title of which is set out in the foregoing Message from the House, to-wit:

## Amendment to S. B. 357.

Amend section 2 of the bill by adding at the end thereof the following words: "except that sold for use as an ingredient in the processing of another product."

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Cullman)	
Benson	Espy	Lawson	Shaver	
Bentley	Goodwin	Madison	Simpson	
Bradford	High	McCary	Smith	
Carlton	Hill	Pinson	Walton	
Cater	Hornsby			—21

*Nays:* —0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver	
Benson	Goodwin	Madison	Sherrer	
Bradford	High	McCary	Simpson	
Carlton	Hill	Pinson	Smith	
Cater	Hornsby	St. John (Cullman)	Walton	
Dodson	Kelly			—21

*Nays:* —0

## HOUSE MESSAGE

On motion of Mr. St. John (Cullman) the Senate concurred in and adopted the following amendment by the House, to the Bill, S. 356, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. B. 356 by inserting between the word "packaged" and the word "pancake" in paragraph (b), Section 2, where they occur in line 2 on page 2 of the bill, the following words, "cake and".

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Shayer	
Benson	Dodson	Kelly	Sherrer	
Bentley	Espy	Kilborn	Simpson	
Bradford	Goodwin	McCary	Smith	
Carlton	High	Pinson	Walton	
Cater	Hill	St. John (Cullman)		—22

*Nays:* —0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)	
Benson	Dodson	Kelly	Shaver	
Bentley	Espy	Kilborn	Simpson	
Bradford	Goodwin	Lawson	Smith	
Carlton	High	McCary	Walton	
Cater	Hill			—21

*Nays:*

—0

#### CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 765. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, Alabama; and to provide an appropriation therefor.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	St. John (Lawrence)	
Bentley	Goodwin	Lawson	Shaver	
Bradford	Henderson	Madison	Sherrer	
Carlton	High	McCary	Simpson	
Cater	Hill	Pinson	Smith	
Cobb	Hornsby	St. John (Cullman)	Walton	
Dodson	Kelly			—25

*Nays:*

—0

The bill:

H. 593. To amend Section 658, Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)	
Benson	Dodson	Kelly	Shaver	
Bentley	Espy	Kilborn	Simpson	
Bradford	Goodwin	Lawson	Smith	
Carlton	High	Madison	Walton	
Cater	Hill	Pinson		—22

*Nays:*

—0

The bill:

H. 594. To amend Section 640, Title 51 of the Code of Alabama of 1940.

Was read a third time and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Shaver	
Benson	Dodson	Kelly	Sherrer	
Bentley	Espy	Kilborn	Simpson	
Bradford	Goodwin	Lawson	Smith	
Carlton	High	Madison	Walton	
Cater	Hill	Pinson		—22

*Nays:*

—0

The bill:

H. 636. To amend Section 631 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson	
Benson	Dodson	Kelly	St. John (Cullman)	
Bentley	Espy	Kilborn	Shaver	
Bradford	Goodwin	Lawson	Sherrer	
Carlton	High	Madison	Simpson	
Cater	Hill	McCary	Walton	—23

*Nays:*

—0

The bill:

H. 635. To amend Section 647 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	Pinson	
Benson	Dodson	Kelly	St. John (Cullman)	
Bentley	Espy	Kilborn	Shaver	
Bradford	Goodwin	Lawson	Simpson	
Carlton	High	Madison	Walton	
Cater	Hill			—21

*Nays:*

—0

The bill:

H. 602. To amend Section 589 of Title 51, Article 1 of the Code of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Espy	Kelly	Shaver
Bentley	Goodwin	Kilborn	Sherrer
Bradford	High	Madison	Simpson
Carlton	Hill	Pinson	Walton
Cater			—20

*Nays:* —0

The bill:

H. 529. To provide that amortization of war or emergency facilities shall be a deductible allowance in determining net income for State income tax purposes.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Dodson	Kelly	Shaver
Bentley	Espy	Kilborn	Simpson
Bradford	Goodwin	Madison	Smith
Carlton	High	McCary	Walton
Cater	Hill	Pinson	—22

*Nays:* —0

The bill:

H. 756. To amend Section 729 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Espy	Kilborn	Sherrer
Black	Goodwin	Madison	Simpson
Carlton	High	McCary	Walton
Cater	Hill	Pinson	—22

*Nays:* —0



The bill:

H. 567. To amend Section 755, Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Cullman)	
Bentley	Espy	Kilborn	Shaver	
Black	Goodwin	Madison	Sherrer	
Carlton	High	McCary	Simpson	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby			—21

*Nays:*

—0

The bill:

H. 653. To amend Section 789, Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 2; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)	
Bentley	Espy	Kilborn	Shaver	
Black	Goodwin	Madison	Sherrer	
Carlton	High	McCary	Simpson	
Cater	Hill	Pinson	Walton	
Cobb	Hornsby	St. John (Cullman)		—22

*Nays:*

—0

The bill:

H. 779. To amend Section 742 of Title 7 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Cullman)	
Bentley	Goodwin	Kilborn	St. John (Lawrence)	
Black	High	Madison	Shaver	
Carlton	Hill	McCary	Simpson	
Cater	Hornsby	Pinson	Walton	
Dodson				—20

*Nays:*

—0

The bill:

H. 257. To declare valid and legal the creation, establishment and organization of housing authorities, and all bonds, notes, agree-

ments and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken or done with reference thereto.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	Pinson
Bentley	Espy	Kelly	Shaver
Black	Goodwin	Kilborn	Sherrer
Carlton	High	Madison	Simpson
Cater	Hill	McCary	Walton

—19

*Nays:*

—0

The bill:

H. 258. To authorize the creation and establishment of regional housing authorities by two or more counties and consolidated housing authorities by two or more municipalities; to define certain terms and the rights, powers and immunities of such authorities; to provide for the appointment and meetings of commissioners of housing authorities; to define the areas of operation of housing authorities and provide for changing certain of such areas; to define certain security for certain obligations of housing authorities; to authorize housing authorities to join or cooperate with one another and with municipalities; to make obligations of certain housing authorities legal investments and security for deposits; to authorize municipalities and other public bodies to cooperate with housing authorities; to provide that projects of county and regional housing authorities for persons of low income in rural areas shall not be subject to certain restrictions on tenant selection; and to repeal section fourteen (14) and forty (40) of Title 25 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Pinson
Benson	Dodson	Hornsby	Shaver
Bentley	Espy	Kilborn	Sherrer
Black	Goodwin	Madison	Simpson
Carlton	High	McCary	Walton

—19

*Nays:*

—0

The bill:

H. 259. To aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide

housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; and to make obligations issued for such projects of housing authorities legal investments and security for deposits.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Bentley	Espy	Madison	Shaver
Black	Goodwin	McCary	Sherrer
Carlton	High	Pinson	Simpson
Cater	Hill	St. John (Cullman)	Walton
Cobb	Hornsby		

—21

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 303. To appropriate the sum of \$100,000.00 to the Board of Managers of the Partlow State School for Mental Deficients and provide the manner of payment of same.

Also:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his capacity as Securities Commissioner of Alabama.

Also:

S. 104. To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

Also:

S. 376. To Amend Sections, 11, 13, 15, 16, 19, 20 and 24 and to repeal Section 25 of Title 43 of the Code of Alabama of 1940, all having to do with limited partnerships.

Also:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies, boards, bureaus and commissions of the State to expend

the necessary funds for carrying out the provisions of such contracts.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

Also:

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis.

Also:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Also:

S. 212. To Repeal Section 203 of Title 2 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 256. To amend Section 455, Title 2, Code 1940.

Also:

S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Also:

S. 324. To amend Sections 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee in session, has carefully examined the Journal of the Senate for the fifty-ninth day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the fifty-ninth day was approved by the Senate.

## ADJOURNMENT

At 5:30 P.M., on motion of Mr. Kilborn, the Senate adjourned until tomorrow, July 2, 1943 at 10 o'clock A. M.

## SIXTIETH DAY

Friday, June 2, 1943.

The Senate met pursuant to adjournment, Lieutenant-Governor Ellis, presiding.

## PRAYER

The session was opened with Prayer by Dr. D. C. MacGuire, of the First Presbyterian Church, Montgomery.

## ROLL CALL

Present:

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	St. John (Lawrence)
Bentley	Garrett	Kilborn	Shaver
Black	Goodwin	Lawson	Simpson
Bradford	Henderson	Madison	Smith
Carlton	High	McCary	Taylor
Cater	Hill	Newton	Toomer
Cobb	Hornsby	Pinson	Walton

—31

## JOURNAL

On motion of Mr. Carlton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 18. To amend Section 88, Title 36, Code of Alabama, 1940.

Also:

H. 70. To provide for the removal from office of fiduciaries engaged in war Service and to provide for the appointment of their successors, and to provide for the removal from office of such successor fiduciaries and the reappointment of fiduciaries theretofore removed from office because of War Service, and to provide for notice and hearing of petitions for the above purposes and to provide for bonds to be given by fiduciaries so appointed and to define the term "War Service" and the term "fiduciary" as used herein.

Also:

H. 76. To abolish bills of execption in the circuit court and courts of like jurisdiction and all other courts of Record having a

full time Court Reporter and from which appeals lie directly to the Court of Appeals or the Supreme Court of Alabama in cases at law, and to provide for the evidence to be transcribed and made a part of the record and for assignments of error on the record.

Also:

H. 190. To provide for payment to the Sheriff furnishing evidence and bringing about the conviction of any person, who steals any horse, mare, gelding, colt, filley, mule, jack, pennet, cow, or animal of the cow kind.

Also:

H. 199. To amend Section 20, Title 34, Code 1940.

Also:

H. 222. To Amend Section 204 of Title 8 of the Code of Alabama of 1940.

Also:

H. 257. To declare valid and legal the creation, establishment and organization of housing authorities, and all bonds, notes, agreements and undertakings of such housing authorities, and all proceedings, acts and things heretofore undertaken or done with reference thereto.

Also:

H. 259. To add the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; and to make obligations issued for such projects of housing authorities legal investments and security for deposits.

Also:

H. 359. To Amend Section 32 of Title 12, Code of Alabama, 1940.

Also:

H. 361. To Amend Section 92, of Title 41, Code of Alabama, 1940.

Also:

H. 482. To remove cloud upon title to real estate erroneously sold for taxes.

Also:

H. 529. To provide that amortization of war or emergency facilities shall be a deductible allowance in determining net income for State income tax purposes.

Also:

H. 567. To amend Section 755, Title 51, of the Code of Alabama of 1940.

Also:

H. 593. To amend Section 658; Title 51 of the Code of Alabama of 1940.

Also:

H. 594. To amend Section 640, Title 51 of the Code of Alabama of 1940.

Also:

H. 602. To amend Section 589 of Title 51, Article 1 of the Code of 1940.

Also:

H. 615. To authorize the State of Alabama to appropriate and to pay to J. E. Clem of Athens, Alabama the sum of \$500.00 to reimburse the said J. E. Clem, for hospital and doctors bills and medicine bills, and loss of time, and the permanent loss of the use of his right arm, on account of being run over by a State Highway Patrol car being driven by R. A. Troupe, a State Highway Patrolman, acting in the line of his duty, on the 5th day of February 1942, in the City of Athens, Alabama.

Also:

H. 635. To amend Section 647 of Title 51 of the Code of Alabama of 1940.

Also:

H. 636. To amend Section 631 of Title 51 of the Code of Alabama of 1940.

Also:

H. 647. To amend Section 642 of Title 51 of the Code of Alabama of 1940.

Also:

H. 653. To amend Section 789, Title 51, of the Code of Alabama of 1940.

Also:

H. 665. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the Alabama Polytechnic Institute for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Also:

H. 702. To amend Section 684 of Title 51 of 1940 Code of Alabama.



Also:

H. 172. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Also:

H. 702. To amend Section 684 of Title 51 of 1940 Code of Alabama.

Also:

H. 712. To appropriate the sum of one hundred thousand dollars (\$100,000.00) to the University of Alabama for each of the fiscal years ending September 30th, 1944 and September 30th, 1945.

Also:

H. 745. FOR THE RELIEF OF GLENN DAVIS.

Also:

H. 756. To amend Section 279 of Title 51 of the Code of Alabama of 1940.

Also:

H. 757. To submit to the qualified voters of the State of Alabama, at an election to be held on the First Tuesday after the First Monday in November, 1944, for their consideration, an amendment to the Constitution of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws to fix, regulate, and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff and Register of the Circuit Court, and provide the method and basis of their compensation in Walker County, Alabama.

Be It Enacted By The Legislature Of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz; The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of the Circuit Court, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide for the method and basis of their compensation in Walker County, Alabama. No salary

fixed under this amendment shall effect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register shall be fixed at not less than three hundred and not more than five hundred dollars per month. The balance of said fund or savings shall be used for old age pensions in said County.

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That, at an election to be held on the First Tuesday after the First Monday in November, 1944, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama? 'The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of the Circuit Court, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which his salary is paid, and provide the methods and basis of their compensation in Walker County, Alabama. No salary fixed under this amendment shall effect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register shall be fixed at not less than three hundred and not more than five hundred dollars per month. Yes..... No.....\* The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be

valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Also:

H. 765. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at the first permanent seat of government of the State of Alabama at Cahaba in Dallas County, Alabama; and to provide an appropriation therefor.

Also:

H. 779. To amend Section 742 of Title 7 of the Code of Alabama of 1940.

Also:

H. J. R. 66. Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts.

Also:

H. J. R. 87. Relative to the Secretary of the Treasury of the United States designating a committee to study inter-governmental fiscal relations and problems between the federal, state, and local governments.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 104... To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

Also:

S. 142. To provide that the amount of \$68,256.58 remaining after the payment of expenses and costs of administration of House Bill No. 83, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, be transferred to the General Fund.

Also:

S. 303. To appropriate the sum of \$100,000.00 to the Board of Managers of the Partlow State School for Mental Deficients and provide the manner of payment of same.

Also:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his capacity as Securities Commissioner of Alabama.

Also:

S. 376. To Amend Sections 11, 13, 15, 16, 19, 20 and 24 and to repeal Section 25 of Title 43 of the Code of Alabama of 1940, all having to do with limited partnerships.

Also:

S. 358. To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

Also:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies, boards, bureaus and commissions of the State to expend the necessary funds for carrying out the provisions of such contracts.

Also:

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis.

Also:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Also:

S. 212. To Repeal Section 203 of Title 2 of the Code of Alabama.

Also:

S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

Also:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; to authorize the Alabama State Board of Agriculture to determine the availability of the necessary ingredients; to define the terms used herein; to fix active enforcement date; and to fix penalties for violation of same.

Also:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for violation of the same.

Also:

S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Also:

S. 256. To amend Section 455, Title 2, Code 1940.

Also:

S. 324. To amend Sections 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 79. Relative to the designation of Senate Bill No. 401 as the Cater-Sightler Bill.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 431. To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

S. 429. To amend Section 3 of an Act entitled "An Act to create the office of Road Supervisor for Henry County, Alabama", approved November, 1932, (H-536) as amended by an Act of the Legislature approved September 9, 1935 (H-578) entitled, "An Act to amend Sections 2, 3, and 5 of an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; (H-536) approved November 4, 1932'", as amended by an Act of the Legislature approved September 1, 1939, (H-567) entitled "An Act to amend an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; approved November, 1932'", so as to fix the salary of said Road Supervisor.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## RESOLUTION

The Rules Committee offered the following resolution:

S. R. 85. BE IT RESOLVED By the Senate that upon reaching the Calendar today, the following shall be the order of business:

1—All local Bills

2—House Bills in this order:

102 on Page 2

69 on Page 4

74	on Page	4
451	on Page	7
452	on Page	7
212	on Page	7
504	on Page	7
541	on Page	10
630	on Page	11
260	on Page	12
632	on Page	12
536	on Page	12
631	on Page	13
761	on Page	13
528	on Page	14
490	on Page	15
634	on Page	16
498	on Page	16
498	on Page	16
357	on Page	16
728	on Page	17
813	on Page	17
290	on Page	18
475	on Page	20
804	on Page	20
523	on Page	20
545	on Page	21
576	on Page	8
547	on Page	21
311	on Page	21
60	on Page	21
453	on Page	22

392 on Page 23  
420 on Page 26  
421 on Page 27  
666 on Page 27  
726 on Page 27  
727 on Page 28  
693 on Page 28  
553 on Page 28  
618 on Page 15  
619 on Page 15  
256 on Page 4  
71 on Page 1  
28 on Page 6  
176 on Page 3

3—The Rules Committee reserves the right to set the Calendar for today in the event it appears that important bills thereon are in danger of not being reached.

Which was adopted.

MR. WALTON OFFERED THE FOLLOWING RESOLUTION:

S. R. 86. RESOLVED BY THE SENATE that H. B. #508, on page 22 of the Calendar, and H. B. 366 on page 13 of the Calendar, be and they are hereby added to the special orders already set and fixed by resolution of the Committee on Rules.

And the rules were suspended and the resolution adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Martin:

H. J. R. 92. Be it resolved by the House, the Senate concurring, that Senate Bill Number 371 be designated and known as the McCary, Bennett, Dearman, Miller, Green, Redd, Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.



## HOUSE MESSAGE

The rules were suspended and the resolution adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Norman of Bullock:

H. J. R. 96. Resolved by the House, the Senate concurring, that the Secretary of State, the Doorkeeper of the House, and the Doorkeeper of the Senate, be, and they are hereby relieved of responsibility and liability for the Codes and other books placed on the desks of members of the House and Senate for their use during this session of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The rules were suspended and the resolution adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 371. To create the Elementary Teacher's Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such Fund to the State Teachers Colleges subject to the rules and regulations of the State Board of Education.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McCary, the Senate concurred in and adopted the following amendment by the House, to the bill, S. 371, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Section Two of Senate Bill No. 371 to read as follows:

Section Two: That there is hereby appropriated to the State Board of Education from the Alabama Special Educational Trust Fund Surplus Account for each of the fiscal years ending September 30, 1944 and September 30, 1945, the sum of Twenty-Five Thousand (\$25,000.00) Dollars for such Elementary Teachers Scholarship Fund.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Hornsby	St. John (Cullman)
Bentley	Garrett	Jones	Shaver
Bradford	Goodwin	Kilborn	Simpson
Carlton	Henderson	Madison	Smith
Cater	High	McCary	Toomer
Cobb	Hill	Newton	Walton
Dodson			—24

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 28; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Lawson	Smith
Bradford	Henderson	Madison	Taylor
Carlton	High	McCary	Toomer
Cater	Hill	Newton	Walton
Cobb			—28

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 139. To supplement the salaries of the Circuit Judges in Alabama in all judicial circuits that now or may hereafter have a population of not less than 115,000 nor more than 130,000 according to the last or any subsequent Federal census, said judicial circuits having only two judges, provided the salaries of such judges in such judicial circuits as paid by the State of Alabama shall not already be supplemented by payments from the County Treasuries of said counties, and to provide for the payment of such judges' supplemental salaries.

And requests a committee of conference, and the Speaker of the House has named as the committee of conference on the part of the House:

Messrs. Merrill, Payne, and Bennett of Calhoun.

And said bill together with the Senate amendment is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

### HOUSE MESSAGE

Mr. Kelly offered the following motion in writing:

"I move that the Senate accede to the request of the House for a Conference Committee on H. B. 139, be appointed by the President of the Senate to consist of two from among those who voted in the affirmative for both ammdments & one from among those who voted against both amendments"

Mr. McCary, offered the following Substitute for the motion made by Mr. Kelly:

That the President of the Senate appoint the three Senators representing the counties affected by House Bill 139 as a conference committee on said Bill as requested by the House.

Mr. Kelly then moved that the substitute motion offered by Mr. McCary be laid on the table, which motion prevailed.

Yeas, 18; Nays, 9.

#### Yeas:

Messrs.:	Dodson	Kelly	Simpson	
Benson	Espy	Madison	Taylor	
Black	Garrett	Newton	Toomer	
Carlton	Hornsby	St. John (Cullman)	Walton	
Cater	Jones	Shaver		--18

#### Nays:

Messrs.:	Goodwin	Lawson	McCary	
Bentley	High	Kilborn	Smith	
Bradford	Hill			—9

Mr. Toomer moved that further consideration of the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 139, be indefinitely postponed.

Mr. Bentley moved to lay on the table, the motion to indefinitely postpone, which motion was lost.

Yeas, 8; Nays, 22.

*Yeas:*

Messrs.:	Bradford	Hill	McCary	
Benson	Cater	Hornsby	Smith	
Bentley				—8

*Nays:*

Messrs.:	Goodwin	Lawson	Shaver	
Black	Henderson	Madison	Simpson	
Carlton	High	Newton	Taylor	
Dodson	Jones	Pinson	Toomer	
Espy	Kelly	St. John (Cullman)	Walton	
Garrett	Kilborn	St. John (Lawrence)		—22

The motion made by Mr. Toomer, then prevailed, and the request for a Committee on Conference was indefinitely postponed.

Mr. Kelly moved that the Senate reconsider the vote by which the request of the House for a Committee on Conference was indefinitely postponed, and the moved to lay said motion to reconsider on the table. The motion to table prevailed.

#### CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. St. John (Lawrence) further consideration of the bills: H. 606 and H. 608, was indefinitely postponed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cater, further consideration of the bill: H. 840, was indefinitely postponed.

## CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 838. To authorize the City of Anniston, Alabama to sell and convey certain real estate located in Anniston, Alabama and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cater	Hill	Pinson
Benson	Cobb	Jones	Shaver
Bentley	Dodson	Kelly	Simpson
Black	Espy	Kilborn	Taylor
Bradford	Garrett	McCary	Toomer
Carlton	High	Newton	Walton

—23

Nays:

—0

The bill:

H. 568. TO Create a Purchasing Agent for Calhoun County, Alabama, and providing that the Chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

Was taken up.

The Standing Committee on Local Legislation offered the following amendment to the bill, to-wit.

To amend Section one of House Bill #568 by striking out all of said section following the word "bridges," where it appears in line nine of said section and inserting in lieu thereof the following:

and that it shall be the duty of said Purchasing Agent to ask for competitive bids on all purchases of such equipment, machinery, materials, and supplies over \$100.00, if no bids are received he shall make such purchases at the best prices obtainable.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	Shaver
Benson	Espy	Kilborn	Simpson
Bentley	High	Lawson	Smith
Black	Hill	Madison	Taylor
Carlton	Hornsby	McCary	Toomer
Cater	Jones	Pinson	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	Shaver
Benson	Espy	Kilborn	Simpson
Bentley	High	Lawson	Smith
Black	Hill	Madison	Taylor
Carlton	Hornsby	McCary	Toomer
Cater	Jones	Pinson	Walton

—23

*Nays:*

—0

The bill:

H. 69. To authorize Boards of Revenue and Courts of County Commissioners or like governing bodies in the several Counties of this State to invest any surplus funds.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Hornsby	McCary
Benson	Garrett	Jones	Pinson
Bentley	Goodwin	Kelly	St. John (Cullman)
Black	Henderson	Kilborn	St. John (Lawrence)
Cater	High	Lawson	Simpson
Cobb	Hill	Madison	Walton
Dodson			

—24

*Nays:*

—0

The bill:

H. 102. To repeal Section 202 of Title 39, Code 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Bentley	Cater	Dodson
Benson	Black	Cobb	Espy

Garrett	Hill	Kilborn	Pinson
Goodwin	Hornsby	Lawson	St. John (Cullman)
Henderson	Jones	Madison	St. John (Lawrence)
High	Kelly	McCary	Walton

—23

Nays: —0

The bill:

H. 841. To regulate the place of residence of the members of the Lawrence County Board of Education.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

<b>Messrs.:</b>	Cater	High	Madison
Benson	Cobb	Hill	McCary
Bentley	Dodson	Jones	Newton
Black	Espy	Kelly	Pinson
Bradford	Garrett	Kilborn	St. John (Lawrence)
Carlton	Goodwin	Lawson	Shaver

—23

Nays: —0

The bill:

H. 843. To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of St. Clair County, in monthly installments.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

<b>Messrs.:</b>	Cater	Henderson	St. John (Lawrence)
Benson	Cobb	High	Shaver
Bentley	Dodson	Hill	Smith
Black	Espy	Hornsby	Taylor
Bradford	Garrett	Jones	Toomer
Carlton	Goodwin	Kelly	Walton

—23

Nays: —0

The bill:

H. 333. To provide that in the event, a party who files interrogatories in the circuit court in Jefferson county, Alabama, under the provisions of Article 8 of Chapter 10 of the Alabama Code of 1940, furnishes the clerk of the Circuit Court a copy of such interrogatories to be served on the party to whom the interrogatories

are propounded, no fees or costs shall be charged or payable as for making a copy of such interrogatories.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	Shaver
Benson	Cobb	Hornsby	Simpson
Bentley	Dodson	Jones	Smith
Black	Espy	Kelly	Taylor
Bradford	Garrett	Pinson	Toomer
Carlton	High	St. John (Cullman)	Walton

—23

*Nays:*

—0

**The bill:**

H. 839. To prescribe the duties and to fix the compensation of the Coroner of Colbert County, Alabama, and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Cobb	Jones	Shaver
Bentley	Dodson	Kelly	Smith
Black	Espy	Newton	Taylor
Bradford	High	Pinson	Toomer
Carlton	Hill	St. John (Cullman)	Walton

—23

*Nays:*

—0

**The bill:**

H. 842. For the relief of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, in satisfaction of a judgment rendered against D. C. Knox on a forfeited appearance bond made by him for Otto Robertson which final judgment was paid by the said D. C. Knox on the 10th day of March 1937.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Carlton	Garrett	McCary
Benson	Cater	High	Newton
Bentley	Cobb	Hill	Pinson
Black	Dodson	Jones	Shaver
Bradford	Espy	Kelly	Simpson



Smith	Taylor	Toomer	Walton	—23
Nays:				—0

The bill:

H. 566. To provide for the relief of W. L. Borders and to appropriate out of any monies in the State Treasury, not otherwise appropriated, the sum of Three hundred fourteen dollars and three cents, (\$314.03) for the purpose of reimbursing said W. L. Borders and refunding to him actual and necessary expenses incurred by W. L. Whitten and paid by said W. L. Borders, Sheriff, in returning a fugitive from the State of California to Calhoun County, Alabama.

Was taken up.

Mr. McCary offered the following amendment to the bill:

To amend House Bill 566 by striking out the words "Three hundred fourteen dollars and three cents, (\$314.03)" where they appear in the caption and in Section one of said Bill and inserting in lieu thereof the following:

"Two Hundred sixty-eight dollars and three cents, (\$268.03)."

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Espy	Jones	Pinson	
Benson	Garrett	Kilborn	St. John (Cullman)	
Bentley	Goodwin	Lawson	St. John (Lawrence)	
Black	Henderson	Madison	Simpson	
Cater	High	McCary	Walton	
Dodson	Hornsby	Newton		—22

Nays:				—0
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And said bill, as thus amended, was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Garrett	Jones	Newton	
Benson	Goodwin	Kelly	St. John (Cullman)	
Bentley	Henderson	Kilborn	St. John (Lawrence)	
Black	High	Lawson	Simpson	
Cater	Hill	Madison	Taylor	
Dodson	Hornsby	McCary	Walton	
Espy				—24

Nays:				—0
-------	--	--	--	----

The bill:

H. 74. To propose an amendment to Section 251 of the Constitution of Alabama, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election in November 1944, at which the amendment is proposed.

Was read a third time at length, as required by the Constitution, and passed.

Yeas, 21; Nay, 1.

Yeas:

Messrs.:	Espy	Jones	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	High	Lawson	Simpson
Cater	Hill	Madison	Walton
Dodson	Hornsby		

—21

Nay: Mr. McCary

—1

The bill:

H. 451. To Amend Section 223, of Title 51, Code of Alabama 1940, relating to the reports and payments into particular treasuries by the Tax Collector.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	McCary
Benson	Espy	Jones	Pinson
Bentley	Garrett	Kelly	St. John (Cullman)
Black	Goodwin	Kilborn	St. John (Lawrence)
Cater	High	Lawson	Simpson
Cobb	Hill	Madison	Walton

—23

Nays:

—0

The bill:

H. 452. To amend Sections 162, 165, 167, 168, 169, and 170, of Title 55, Code of Alabama, 1940, relating to the Division of Examiners of Public Accounts in the Department of Finance.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

Yeas:

Messrs.:	Bentley	Cater	Dodson
Benson	Black	Cobb	Espy

Garrett	Jones	Lawson	St. John (Cullman)	
Goodwin	Kelly	McCary	St. John (Lawrence)	
High	Kilborn	Pinson	Simpson	—20
Hill				

Nays: —0

The bill:

H. 212. To amend Section 180 of Title 51, of the Code of Alabama of 1940.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit:

Amend House Bill 212 Section 1 by striking out the words "in excess of One Hundred fifty thousand Dollars" where they appear therein.

Mr. St. John (Cullman) moved to lay said amendment on the table, which motion prevailed.

On motion of Mr. Bradford, the Senate reconsidered the vote by which the amendment was laid on the table.

Yeas, 16; Nays, 9.

Yeas:

Messrs.:	Cater	Goodwin	Lawson	
Benson	Cobb	High	McCary	
Bentley	Dodson	Hill	Pinson	
Black	Garrett	Hornsby	Taylor	
Bradford				—16

Nays:

Messrs.:	Kilborn	Shaver	Smith	
Carlton	St. John (Cullman)	Simpson	Walton	
Jones	St. John (Lawrence)			—9

The question then recurred on the amendment offered by Mr. McCary, and on motion of Mr. Cater, said amendment was laid on the table.

Yeas, 25; Nays, 2.

Yeas:

Messrs.:	Cobb	Jones	Shaver	
Benson	Dodson	Kilborn	Simpson	
Bentley	Espy	Lawson	Smith	
Black	Garrett	Pinson	Taylor	
Bradford	Goodwin	St. John (Cullman)	Toomer	
Carlton	High	St. John (Lawrence)	Walton	
Cater	Hornsby			—25

Nays: Messrs.: Hill and McCary —2

And said Bill was read a third time at length and passed.

Yeas, 24; Nays, 3.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Lawrence)
Benson	Dodson	Jones	Shaver
Bentley	Espy	Kilborn	Simpson
Black	Garrett	Lawson	Smith
Bradford	Goodwin	Pinson	Taylor
Carlton	High	St. John (Cullman)	Walton
Cater			

—24

*Nays:* Messrs. McCary, Hill and Toomer

—3

Mr. Walton moved to reconsider the vote by which the Bill passed, and then moved to lay that motion on the table. The motion to table prevailed.

The bill:

H. 632. To amend Section 555 of Title 51, of the Code of Alabama of 1940.

Was taken up.

Mr. McCary offered the following amendment to the Bill, to-wit:

Amend Section one of House Bill 632 by striking out the words "one and one-half" where they appear therein and inserting in lieu thereof the following:

"Two and one-half"

and by striking out lines 13, 14, 15, 16, 17, 18, 19 and 20 of said Section.

Mr. Simpson, moved to table the amendment, which motion prevailed.

The bill was read a third time at length and passed.

Yeas, 26; Nay, 1.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Cullman)
Benson	Espy	Kelly	Shaver
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Lawson	Taylor
Bradford	High	Madison	Toomer
Carlton	Hill	Newton	Walton
Cater	Hornsby	Pinson	

—26

*Nay:* Mr. McCary

—1

The bill:

H. 504. To amend Section 851, Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 20; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Madison	Shaver
Benson	Espy	McCary	Simpson
Bentley	Hill	Pinson	Smith
Black	Jones	St. John (Cullman)	Toomer
Bradford	Kilborn	St. John (Lawrence)	Walton
Cater			

—20

*Nays:*

—0

The bill:

H. 541. For the relief of Hershell McCarn.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	Simpson
Benson	Espy	Madison	Smith
Bentley	Garrett	McCary	Taylor
Black	Hill	St. John (Cullman)	Toomer
Bradford	Hornsby	St. John (Lawrence)	Walton
Carlton	Jones	Shaver	

—22

*Nays:*

—0

The bill:

H. 630. To amend Section 428 of Title 51 of the Code of Alabama of 1940.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kilborn	Simpson
Benson	Espy	Madison	Smith
Bentley	Hill	Pinson	Taylor
Black	Hornsby	Shaver	Toomer
Bradford	Jones	St. John (Cullman)	Walton
Carlton	Kelly	St. John (Lawrence)	

—22

*Nays:*

—0

The bill:

H. 260. To provide that any male person who goes near and stares, gazes or peeps into any room, apartment, chamber or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor; and to fix his punishment therefor.

Was read a third time at length passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	Simpson
Benson	Espy	Madison	Smith
Bentley	Hill	Pinson	Taylor
Black	Hornsby	St. John (Cullman)	Toomer
Bradford	Jones	St. John (Lawrence)	Walton
Cater	Kelly	Shaver	

—22

*Nays:*

—0

The bill:

H. 536. To amend Section 122 of Title 41 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)
Benson	Espy	Lawson	Shaver
Bentley	Goodwin	Madison	Simpson
Black	High	McCary	Smith
Bradford	Hill	Newton	Taylor
Carlton	Hornsby	Pinson	Toomer
Cater	Jones	St. John (Cullman)	Walton
Cobb	Kelly		

—29

*Nays:*

—0

The bill:

H. 631. To amend Section 566 of Title 51, of the Code of Alabama of 1940.

Was taken up.

Mr. McCary offered the following amendment to the bill, to-wit:

Amend Section one of House Bill 631 by striking out the words "three cents per ton" where they appear therein and inserting in lieu thereof the following:

"four and one-half cents per ton"

and by striking out that part of said section beginning at the word "Provided" in line 14 of said Section and extending through the word "computed" in line 22 of said section.

Mr. Simpson moved to table the amendment, which motion prevailed.

And said bill was read a third time at length and passed.

Yeas, 27; Nay, 1.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)	
Benson	Dodson	Jones	Shaver	
Bentley	Espy	Kelly	Simpson	
Black	Garrett	Kilborn	Smith	
Bradford	Goodwin	Lawson	Taylor	
Carlton	High	Madison	Toomer	
Cater	Hill	Pinson	Walton	—27
<i>Nay:</i> Mr. McCary				—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

S. 274. To provide that any person involved in an accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Hill, the Senate concurred in and adopted the following House amendment to the bill, S. 274, the title of which is set out in the foregoing Message from the House, to-wit:

#### A BILL TO BE ENTITLED AN ACT

To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Be It Enacted By The Legislature Of Alabama:

Section 1. (a) The term "director" as used in this act shall mean the director of Public Safety of the State of Alabama.

(b) The term "motor vehicle" shall mean any vehicle which is self-propelled.

Section 2. Accidents involving death or personal injuries.

(a) The driver of any motor vehicle involved in an accident resulting in injury to or death of any person, or in damage to a motor or other vehicle which is driven or attended by any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 4 of this act. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or comply with the requirements of this section shall be guilty of a misdemeanor and shall upon conviction be fined not more than \$500.00 and in addition thereto may be imprisoned in the county jail not more than thirty days.

(c) The director shall revoke the drivers license of the person so convicted.

Section 3. Duty to give information and render aid. The driver of any motor vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request exhibit his driver's license to the person struck or the driver or occupant of or person attending any motor or other vehicle collided with or damaged and shall render to any person injured in such accident reasonable assistance, including the transportation of, or the making of arrangements for the transportation of such person to a physician or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such transportation is requested by the injured person.

Section 4. Duty upon striking unattended vehicle. The driver of any motor vehicle which collides with any motor or other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in, or on, the vehicle struck a written notice giving the name and address of the driver and or the owner of the vehicle doing the striking and a statement of the circumstances thereof.

Section 5. Duty upon striking fixtures upon a highway. The driver of any motor vehicle involved in an accident resulting only



in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his driver's license and shall make report of such accident when and as required in section 6 hereof.

Section 6. Immediate reports of accidents.

(a) The driver of any motor vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality; otherwise to the office of the county sheriff or to the director of Public Safety.

(b) Every coroner or other official performing like functions upon learning of the death of a person in his jurisdiction as the result of a traffic accident shall immediately notify the nearest office of the director.

Section 7. Written reports of accidents.

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$50.00 or more shall, within 24 hours after such accident, forward a written report of such accident to the director.

(b) The director may require any driver of a vehicle involved in an accident of which report must be made as provided in this section 7 to file supplemental reports whenever the original report is insufficient in the opinion of the director.

(c) Every law enforcement officer who in regular course of duty, investigates a motor vehicle accident of which report must be made as require in this section 7, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the director.

Section 8. Accident report forms.

(a) The director shall prepare and upon request supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the director and shall contain all the available information required therein.

Section 9. Coroners to report. Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the director the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

Section 10. Garages to report. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in section 7, or struck by any bullet, shall report to the director within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

Section 11. Accident reports confidential. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the director or of other state agencies having use for the records for accident prevention purposes, except that the director may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the director solely to prove a compliance or a failure to comply with the requirement that such a report be made to the director.

Section 12. Director to tabulate and analyse accident reports. The director shall tabulate and analyse all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstance of traffic accidents.

Section 13. Should any section or provision of this bill be declared unconstitutional by any court, it shall not affect the validity of any other section or provision hereof.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor.

Yeas, 22; Nays, 0.

Yeas:

Messrs.:	Dodson	Kelly	St. John (Cullman)
Benson	Espy	Kilborn	St. John (Lawrence)
Black	High	Lawson	Shaver
Bradford	Hill	Madison	Smith
Cater	Hornshy	McCoy	Taylor
Cobb	Jones	Pinson	

Nays:

—22

—(1)

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Taylor
Cater	Hornsby	Pinson	Walton
Cobb	Jones	St. John (Cullman)	

—26

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the Bills:

H. 566. To provide for the relief of W. L. Borders and to appropriate out of any monies in the State Treasury, not otherwise appropriated, the sum of Two Hundred Sixty Eight Dollars and three cents, (\$268.03) for the purpose of reimbursing said W. L. Borders and refunding to him actual and necessary expenses incurred by W. L. Whitten and paid by said W. L. Borders, Sheriff, in returning a fugitive from the State of California to Calhoun County, Alabama.

Also:

H. 568. TO Create a Purchasing Agent for Calhoun County, Alabama, and providing that the Chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to create a public board and a to appropriate for their use seven thousand dollars.

and the further sum of three thousand dollars annually for the purpose of maintaining said memorial.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Lawson the Senate concurred in the following House amendmen to the bill, S. 414, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMEND SENATE BILL NO. 414

Amend Senate Bill No. 414 by striking therefrom the words "Three thousand Dollars" from inserting in lieu thereof the words "One Thousand Dollars". also amend further by striking therefrom the words "One hundred dollars monthly"

Also:

Amend Senate Bill No. 414 as amended by striking therefrom the words "One Thousand Dollars" and inserting in lieu thereof the words "Fifteen Hundred Dollars".

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Jones	St. John (Lawrence)
Benson	Espy	Kelly	Shaver
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Taylor
Carlton	High	Newton	Toomer
Cater	Hill	Pinson	Walton
Cobb	Hornsby	St. John (Cullman)	

—26

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Kelly	St. John (Lawrence)
Benson	Dodson	Lawson	Shaver
Bentley	Espy	Madison	Simpson
Black	High	McCarv	Smith
Bradford	Hornsby	Pinson	Toomer
Carlton	Jones	St. John (Cullman)	Walton

—23

*Nays:*

—0

#### RECESS

At 12:35 P.M., on motion of Mr. St. John (Cullman) the Senate took a recess until 2:00 P.M.

## SIXTIETH DAY—AFTERNOON SESSION

Friday, July 2, 1943.

The Senate re-assembled at 2:00 P.M., Lieutenant-Governor Ellis presiding.

## ROLL CALL

## Present:

Messrs.:	Espy	Kelly	St. John (Lawrence)
Benson	Garrett	Kilborn	Shaver
Bentley	Goodwin	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Newton	Taylor
Cater	Hornsby	Pinson	Toomer
Cobb	Jones	St. John (Cullman)	Walton
Dodson			

—32

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The Senate non-concurred in the following House amendment to the bill, S. 272, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill 272 by adding at the end of Section 2 the following sentence:

All other special, local or general laws in conflict with this Act, including all laws providing allowances or expenses for any Court Reporter, are hereby expressly repealed."

Amend Sec 1 of Senate Bill 272 to read as follows: "Section 1. That Section 267, Title 13, of the Code of Alabama (1940) be amended so as to read as follows: 'Section 267 (6739) Salary of Court Reporter—The official Court reporter shall receive a salary of twenty-eight hundred dollars per year, to be paid in equal monthly installments on the warrant of the State Comptroller from the general funds in the State Treasury.'"

And requested a Committee on Conference.

The President and Presiding Officer of the Senate appointed Messrs. Simpson, Walton and Cater as Conferees on the part of the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 64. To provide for the blood testing for Syphilis of all persons residing in Alabama, and to appropriate not to exceed \$75,000. annually to carry out the terms of this Act.

Also:

S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

Also:

S. 353. To provide for deduction from penitentiary and hard labor sentences for good conduct.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 69. To authorize Boards of Revenue and Courts of County Commissioners or like governing bodies in the several Counties of this State to invest any surplus funds.

Also:

H. 74. To propose an amendment to Section 251 of the Constitution of Alabama, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next general election in November 1944, at which the amendment is proposed.

Also:

H. 102. To repeal Section 202 of Title 39, Code 1940.

Also:

H. 333. To provide that in the event, a party who files interrogatories in the circuit court in Jefferson county, Alabama, under the provisions of Article 8 of Chapter 10 of the Alabama Code of 1940, furnishes the clerk of the Circuit Court a copy of such interrogatories to be served on the party to whom the interrogatories are propounded, no fees or costs shall be charged or payable as for making a copy of such interrogatories.

Also:

H. 451. To Amend Section 223, of Title 51, Code of Alabama, 1940, relating to the reports and payments into particular treasuries by the Tax Collector.

Also:

H. 452. To amend Sections 162, 165, 167, 168, 169, and 170, of Title 55, Code of Alabama, 1940, relating to the Division of Examiners of Public Accounts in the Department of Finance.

Also:

H. 568. To Create a Purchasing Agent for Calhoun County, Alabama, and providing that the Chairman of the County Commission of said County shall be the Purchasing Agent; to define the powers and duties of said Purchasing Agent, and providing that he shall purchase, books, stationery, blanks, machinery, supplies, materials, appliances and equipment for the several county offices, jails, court house, almshouse, roads and bridges of said county, and fixing his salary and providing for the payment of the same.

Also:

H. 838. To authorize the City of Anniston, Alabama to sell and convey certain real estate located in Anniston, Alabama and known as the Garner Hospital, located on the Northwest corner of the intersection of Fifth Street and Leighton Avenue in the City of Anniston, Alabama.

Also:

H. 839. To prescribe the duties and to fix the compensation of the Coroner of Colbert County, Alabama, and to provide for the payment of the same.

Also:

H. 841. To regulate the place of residence of the members of the Lawrence County Board of Education.

Also:

H. 842. For the relief of Louise E. Knox, Administratrix of the Estate of D. C. Knox, deceased, in satisfaction of a judgment ren-

dered against D. C. Knox on a forfeited appearance bond made by him for Otto Roberson which final judgment was paid by the said D. C. Knox on the 10th day of March 1937.

Also:

H. 843. To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general funds of St. Clair County, in monthly installments.

Also:

H. J. R. 92. Relative to Senate Bill Number 371, being designated as the McCary, Bennett, Dearman, Miller, Green, Redd Bill.

Also:

H. J. R. 96. Relative to relieving the Secretary of State and Doorkeepers of the House and Senate of their responsibility for the Codes and other books on the desks of the House and Senate members.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate for its consideration:

By Mr. Hodo:

H. J. R. 100. Be it resolved by the House of Representatives, the Senate concurring, that Senate Bill 64 be designated as the Henderson-Edwards Bill.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

The resolution, H. J. R. 100, set out in the foregoing Message from the House, on a suspension of the rules, was adopted.



## RESOLUTION

Mr. Kilborn offered the following resolution:

S. J. R. 87. Resolved by the Senate, the House of Representatives concurring, that Senate Bill No. 274, which has passed both Houses of the Legislature, be designated and known as the High Act.

The rules were suspended and the resolution was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Martin:

H. J. R. 98. Be it Resolved by the House, the Senate Concurring that Senate Bill Number 274 be designated and known as the High-Dearman Accident Reporting Bill.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The resolution, H. J. R. 98, was read and referred to the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two houses on the House amendment to the bill:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

And the Speaker of the House has appointed as Committee on part of the House: Messrs. Allen, Harris, and Thomas.

R. T. Goodwyn, Jr.,  
Clerk.

## CONSIDERATION OF SPECIAL ORDERS

The bill:

H. 490. To amend Section 848, and 849, Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Lawson	Simpson
Bradford	High	McCary	Smith
Carlton	Hill	Pinson	Taylor
Cater	Hornsby	St. John (Cullman)	Toomer
Dodson	Jones	St. John (Lawrence)	Walton

—27

*Nays:*

—0

The bill:

H. 528. To amend Section 132 of Title 62 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bentley	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Smith
Carlton	High	McCary	Taylor
Cater	Hill	St. John (Cullman)	Toomer
Dodson	Hornsby	St. John (Lawrence)	

—26

*Nays:*

—0

The bill:

H. 761. To amend Section 25 of Title 23 of the Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	Sherrer
Benson	Garrett	Kilborn	Simpson
Bentley	Goodwin	Lawson	Smith
Bradford	High	McCary	Taylor
Carlton	Hill	St. John (Cullman)	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Dodson	Jones		

—25

*Nays:*

—0

The bill:

H. 498. To amend Section 781, Title 51, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Cullman)
Benson	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Pinson	Taylor
Dodson			—24

*Nays:*

—0

The bill:

H. 634. To repeal Section 389 of Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Cullman)
Benson	Garrett	Kelly	St. John (Lawrence)
Bentley	Goodwin	Kilborn	Sherrer
Bradford	High	Lawson	Simpson
Carlton	Hill	McCary	Smith
Cater	Hornsby	Pinson	Taylor
Dodson			—24

*Nays:*

—0

The bill:

H. 813. To appropriate Sixty-Five Thousand Dollars for the purpose of providing voting machines for the use of members of the House of Representatives of the State of Alabama.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment, to the bill, to-wit:

Amend H. B. 813 by inserting after the words "Sixty-Five Thousand Dollars" the words "or so much thereof as is necessary conditional upon the approval of the Governor", in Section 1.

Which was adopted.

Yeas, 23; Nay, 1.

*Yeas:*

Messrs.:	Bradford	Dodson	Goodwin
Benson	Carlton	Espy	Hill
Bentley	Cater	Garrett	Hornsby

Jones	Lawson	St. John (Cullman)	Smith
Kelly	Madison	St. John (Lawrence)	Taylor
Kilborn	McCary	Shaver	Toomer

—23

Nay: Mr. Simpson

—1

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nay, 1.

Yeas:

Messrs.:	Espy	Lawson	St. John (Lawrence)
Bentley	Garrett	Madison	Shaver
Bradford	Goodwin	McCary	Smith
Carlton	Hill	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Toomer
Dodson	Kilborn		

—21

Nay: Mr. Simpson

—1

The bill:

H. 290. To authorize any city to provide by ordinance testing stations for the purpose of testing the mechanism and equipment of motor vehicles owned or operated in such city, to fix the amount of fees for each such test, to allocate such fees to pay the costs and expenses arising therefrom, to make the use of the streets, alleys and highways dependent on compliance with such ordinance, to provide stickers to be placed on motor vehicles indicating such inspection, to impose on the director of public safety of Alabama the supervision and control over the type of test and facilities therefor, to authorize any such city to use the earnings arising from such stations operated by it to pay for the same and for the equipment, maintenance and operation thereof, to fix the extent and scope of such inspection, and to enforce such ordinance by fine and imprisonment, and by seizure and impounding of motor vehicles not inspected in accordance with the terms of such ordinance.

Was read a third time at length and passed.

Yeas, 21; Nays, 3.

Yeas:

Messrs.:	Espy	Kelly	Pinson
Benson	Garrett	Lawson	St. John (Cullman)
Bentley	Goodwin	Madison	Shaver
Black	Hill	McCary	Sherrer
Bradford	Hornsby	Newton	Simpson
Carlton	Jones		

—21

Nays: Messrs.: Kilborn, St. John (Lawrence) and Smith

—3

The bill:

H. 728. To authorize the State Department of Revenue, during the existing emergency, with the approval of the Governor, to adopt and promulgate rules and regulations for the issuance and use of stamps, or other substitute device, in lieu of motor vehicle license tags or plate now required to be issued upon the registration of motor vehicles, or in connection with the issuance of licenses for the operation thereof, which are now required by law to be placed upon motor vehicles operated on the public highways, or for the use of such stamps or substitute device in connection with any such motor vehicle tag or plate; and to provide for the enforcement of such rules and regulations, and punishment for a violation thereof.

Was read a third time length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	Shaver
Benson	Garrett	Lawson	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Hill	McCary	Smith
Carlton	Hornsby	Pinson	Taylor
Cater	Jones	St. John (Cullman)	Toomer
Dodson	Kelly	St. John (Lawrence)	Walton

—27

Nays:

—0

The bill:

H. 357. To authorize any incorporated municipality in this state and any water works board operating in such municipality to contract with each other to provide for the operation and management by such board, as agent of such municipality, of any sanitary sewer system in such municipality, and in aid of such operation to authorize such board to discontinue service to any water customer upon failure by such customer to pay any charge for service by or from such sanitary sewer system.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs.:	Espy	Kilborn	St. John (Lawrence)
Benson	Garrett	Lawson	Shaver
Bentley	Goodwin	Madison	Sherrer
Bradford	Hill	McCary	Simpson
Carlton	Hornsby	Pinson	Smith
Cater	Jones	St. John (Cullman)	Toomer
Dodson	Kelly		

—25

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand and not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds;

to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such funds and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Madison, the Senate concurred in the following House amendment, to the bill, S. 329, the title of which is set out in the foregoing Message from the House, to-wit:

#### AMENDMENT TO SENATE BILL 329

To amend Paragraph "B" of Section 5, so as to read as follows:

B. Each fire insurance company, including Mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any premium for insurance against fire within the city, unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of

the provisions of this Act shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one thousand dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of such city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this Act shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one hundred dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund, and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	Pinson
Benson	Espy	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	High	Madison	Simpson
Bradford	Hill	McCary	Taylor
Carlton	Hornsby	Newton	Toomer

—23

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 23; Nays, 0.



*Yeas:*

Messrs.:	Cobb	Jones	Pinson
Benson	Espy	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Black	Henderson	Madison	Simpson
Bradford	High	McCary	Taylor
Carlton	Hornsby	Newton	Toomer

—23

*Nays:*

—0

## CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 804. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at LaGrange, in Colbert County, the site of the first chartered college in Alabama; and to provide an appropriation therefor.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Goodwin	Madison	Simpson
Bradford	Hill	Newton	Smith
Carlton	Hornsby	Pinson	Taylor
Cobb	Jones	St. John (Cullman)	Toomer
Dodson	Kelly	St. John (Lawrence)	

—26

*Nays:*

—0

The bill:

H. 523. To Amend Section 429 of Title 51, Code of 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	St. John (Cullman)
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Goodwin	Madison	Simpson
Bradford	Hill	Newton	Taylor
Carlton	Hornsby	Pinson	Toomer

—23

*Nays:*

—0

The bill:

H. 475. To Amend Sections 130, 137, 139, 140, 141, 143, 144, 145, 149 and 150 of Title 46, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Kelly	St. John (Cullman)
Bentley	Garrett	Kilborn	St. John (Lawrence)
Black	Goodwin	Lawson	Shaver
Bradford	Hill	Madison	Simpson
Carlton	Hornsby	Newton	Smith
Cobb	Jones	Pinson	Toomer
Dodson			

—24

*Nays:*

—0

The bill:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

Was taken up.

Mr. Bradford offered the following amendment to the Bill:

To amend H. B. 311 by striking out the period following the last word of Section 1 and substituting therefor a semicolon and adding immediately thereafter the following words:

“provided further, that in any county in which the county superintendent of education has been elected at the general election in November, 1942, to take office for a four-year term beginning July 1, 1944, the successful candidate for the office of county superintendent of education in such county at the general election in November in 1946 shall hold office for a term of five years beginning with July 1, 1948, and his successor shall be elected for a four-year term at the general election in November in 1952, and thereafter every four years.”

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Pinson
Benson	Garrett	Kelly	St. John (Cullman)
Bentley	Goodwin	Kilborn	St. John (Lawrence)
Bradford	Henderson	Madison	Shaver
Carlton	High	McCary	Simpson
Cobb	Hornsby	Newton	Toomer

—23

*Nays:*

—0

And said Bill, as thus amended, was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	St. John (Cullman)	
Benson	Espy	Kelly	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Shaver	
Black	Goodwin	Madison	Simpson	
Bradford	High	McCary	Toomer	
Cater	Hornsby	Newton		—22

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Also:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Also:

S. 71. To amend Title 8 Section 68 of the Code of Alabama of 1940.

Also:

S. 74. To amend Section 78 Title 8 of the Code of Alabama of 1940.

Also:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 73. To amend Section 63, Title 8 of the Code of Alabama of 1940.

Also:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Espy, the Senate concurred in the following House amendment to the bill, S. 174, the title of which is set out in the foregoing Message from the House, to-wit:

Amend Senate Bill No. 174 by striking therefrom (?) under Section 1 beginning "A thing" and ending with "negligently or not".

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	Newton
Benson	Dodson	Hornsby	Pinson
Bentley	Espy	Jones	St. John (Cullman)
Black	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Walton
Cater	High	McCary	

—26

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	Newton
Benson	Dodson	Hornsby	Pinson
Bentley	Espy	Jones	St. John (Cullman)
Black	Garrett	Kilborn	Shaver
Bradford	Goodwin	Lawson	Sherrer
Carlton	Henderson	Madison	Walton
Cater	High	McCary	—26

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 212. To amend Section 180 of Title 51, of the Code of Alabama of 1940.

Also:

H. 260. To provide that any male person who goes near and stares, gazes or peeps into any room, apartment, chamber or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of misdemeanor; and to fix his punishment therefor.

Also:

H. 536. To amend Section 122 of Title 41 of the Code of Alabama of 1940.

Also:

H. 541. For the relief of Hershell McCarn.

Also:

H. 566. To provide for the relief of W. L. Borders and to appropriate out of any monies in the State Treasury, not otherwise appropriated, the sum of Two hundred sixty eight dollars and three cents, (\$268.03) for the purpose of reimbursing said W. L. Borders and refunding to him actual and necessary expenses incurred by W. L. Whitten and paid by said W. L. Borders, Sheriff, in returning a fugitive from the State of California to Calhoun County, Alabama.

Also:

H. 630. To amend Section 428 of Title 51 of the Code of Alabama of 1940.

Also:

H. 631. To amend Section 556 of Title 51, of the Code of Alabama of 1940.

Aso:

H. 632. To amend Section 555 of Title 51, of the Code of Alabama of 1940.

Also:

H. 761. To amend Section 25 of Title 23 of the Code of Alabama, 1940.

Also:

H. 832. To amend Sections 134, 137 and 144 of Title 12 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 429. To amend Section 3 of an Act entitled "An Act to create the office of Road Supervisor for Henry County, Alabama", approved November, 1932 (H-536) as amended by an Act of the Legislature approved September 9, 1935 (H-578) entitled "An Act to amend Sections 2, 3, and 5 of an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; (H-536) approved November 4, 1932", as amended by an Act of the Legislature approved September 1, 1939, (H-567) entitled "An Act to amend an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; approved November, 1932", so as to fix the salary of said Road Supervisor.

Also:

S. 431. To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

Also:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

Also:

S. 371. To create the Elementary Teacher's Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such Fund to the State Teachers Colleges subject to the rules and regulations of the State Board of Education.

Also:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to create a public board and to appropriate for their use seven thousand dollars, and the further sum of fifteen hundred dollars annually for the purpose of maintaining said memorial.

Also:

S. 64. To provide for the blood testing for Syphilis of all persons residing in Alabama, and to appropriate not to exceed \$75,000. annually to carry out the terms of this Act.

Also:

S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

Also:

S. 353. To provide for deductions from penitentiary and hard labor sentences for good conduct.

Also:

S. 74. To amend Section 78 Title 8 of the Code of Alabama of 1940.

Also:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following Senate joint resolution with the original Senate joint resolution and finds same correctly enrolled, to-wit:

S. J. R. 79. Relative to: Senate Bill 401 be Known as the Cater-Sightler Bill.

Sam High,  
Chairman.

#### SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate joint resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Simpson, further consideration of the bill: H. 726, was indefinitely postponed.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Simpson further consideration of the bill: H. 727, was indefinitely postponed.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 121. To Amend Section 73 of Title 8 of the Code of Alabama of 1940.

Also:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.

Also:

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; To prevent misrepresentation thereof; to give the State Board of Agriculture and industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; To repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes—

Also:

S. 285. To appropriate \$20,000 for the purchase of certain real estate to be donated by the State of Alabama to the United States for a national cemetery and memorial; and to authorize, empower and direct the purchase and conveyance thereof.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## RESOLUTION

The following resolution was offered by the Rules Committee:

S. R. 88. Be it resolved by the Senate that there now be set the following special orders:

H. B. 508—	Page 22
H. B. 507—	" 11
H. B. 108—	" 2
H. B. 71—	" 1
H. B. 28—	" 6
H. B. 176—	" 3
H. B. 366—	" 13
H. B. 576—	" 8
H. B. 256—	" 4

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has adopted the following Senate joint resolution:

S. J. R. 87. Resolved by the Senate, the House of Representatives concurring, that Senate Bill No. 274 which has passed both Houses of the Legislature, be designated and known as the High Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn the Senate non-concurred in the following House Substitute for S. J. R. 87.

Resolved by the House, the Senate concurring, that Senate Bill No. 274, which has passed both Houses of the Legislature be designated and known as the High-Dearman Act.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Bennett of Calhoun:

H. J. R. 102. BE IT RESOLVED by the House of Representatives, the Senate concurring, that Senate Bills 71, 72, 73, 74 and 127, which have passed both Houses of the Legislature, be designated as the Norman, Givhan, Henderson Acts.

And sends same herewith to the Senate for its consideration.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

The rules were suspended and the above resolution adopted.

TO THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE:

REPORT OF CONFERENCE COMMITTEE OF THE SENATE AND HOUSE APPOINTED FOR THE PURPOSE OF RECONCILING THE DIFFERENCES BETWEEN THE TWO HOUSES ON SENATE BILL 272 BY MR. SIMPSON.

Your Conference Committee recommends that the Senate and House both recede from their position on Senate Bill No. 272, and that the substitute for said Senate Bill No. 272 hereto attached be adopted by both Houses.

Respectfully submitted:

JAMES A. SIMPSON,  
SILAS D. CATER,  
WILL O. WALTON,  
Conferees on the part of the Senate.  
NORMAN W. HARRIS,  
JAMES B. ALLEN,  
W. C. THOMAS,  
Conferees on the part of the House.

Substitute by Conference Committee for Senate bill No. 272:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 267, Title 13, of the Code of Alabama (1940)

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 267, Title 13, of the Code of Alabama (1940) be amended so as to read as follows: "Section 267 (6739) Salary of court reporter.—(a) The official court reporter shall receive a salary of twenty-eight hundred dollars per year, twenty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuits, each county to pay its pro rata of such salary, based upon the assessed tax valuation of all property of such county for the preceding year, such payment to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general fund on presentation in the same manner as jurors' certificates are now paid, and the remaining six hundred dollars per year shall be paid on equal monthly installments on the

warrant of the State Comptroller from the general funds in the State Treasury.

(b) That nothing in this section shall be construed so as to alter, change or repeal any special, local or general law providing for, fixing or regulating the salary or compensation of any official court reporter in judicial circuits having three or more Circuit Judges. All other special, local, or general laws in conflict with this section, including all laws providing allowances or expenses for any Court Reporter, are hereby expressly repealed.

(c) Should any law be held to remain in effect other than those excepted in the first sentence of sub-division (b) of this section under which a court reporter is allowed extra allowances or compensation for traveling expenses, then the amount allowed by such law shall be deducted from the amount hereinabove provided to be paid by the counties embraced in such judicial circuit."

Section 2. The invalidity of any sub-division, clause or phrase of the foregoing act shall not affect the validity of the remainder thereof.

Section 3. This act shall become effective on its passage and approval by the Governor.

#### CONFERENCE REPORT

On motion of Mr. Walton, the Senate concurred in and adopted the foregoing report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. B. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

Yeas, 27; Nays, 0.

#### *Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Cullman)
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Smith
Cater	High	Madison	Toomer
Cobb	Hill	McCary	Walton

—27

#### *Nays:*

—0

And said bill, as thus amended by the Report of the Conference Committee, was again read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Hornsby	St. John (Lawrence)
Benson	Espy	Jones	Shaver
Bentley	Garrett	Kelly	Simpson
Black	Goodwin	Kilborn	Smith
Bradford	Henderson	Lawson	Taylor
Cater	High	Madison	Toomer
Cobb	Hill	McCary	Walton

—27

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 813. To appropriate Sixty-Five Thousand Dollars for the purpose of providing voting machines for the use of members of the House of Representatives of the State of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public waters of Alabama whenever the respective laws of said states permit residents of Alabama to fish commercially in the public waters of said states.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn, the Senate concurred in the following House amendment to the bill, S. 20, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To permit commercial fishermen who are residents of other states to fish in the public salt waters of Alabama for fish, shrimp, crabs or oysters whenever the respective laws of such other states permit residents of Alabama to fish commercially in the public waters of such other states for fish, shrimp, crabs or oysters.

## Be It Enacted By The Legislature Of Alabama:

Section 1. Whenever under the respective laws of other states any resident of the State of Alabama is permitted to fish, catch or take fish, shrimp, crabs or oysters from the public waters of such other states by commercial fishing gear as defined by the laws of the State in which the fishing is to be done for commercial purposes upon complying with the laws of such other state, any resident of such other states, upon complying with the laws of Alabama, is hereby granted the right and privilege of fishing, catching, or taking fish, shrimp, crabs or oysters by commercial fishing gear as defined by the laws of the State of Alabama or by the rules and regulations promulgated by the Department of Conservation of the State of Alabama for commercial purposes from the public salt waters of Alabama.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Shaver	
Benson	Espy	Jones	Simpson	
Bentley	Garrett	Kilborn	Smith	
Black	Goodwin	Madison	Taylor	
Bradford	High	St. John (Lawrence)	Toomer	
Cater	Hill			—21

Nays:

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs.:	Dodson	Hornsby	Shaver	
Benson	Espy	Jones	Simpson	
Bentley	Garrett	Kilborn	Smith	
Black	Goodwin	Madison	Taylor	
Bradford	High	St. John (Lawrence)	Toomer	
Cater	Hill			—21

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 258. To authorize the creation and establishment of regional housing authorities by two or more counties and consolidated housing authorities by two or more municipalities; to define certain terms and the rights, powers and immunities of such authorities; to provide for the appointment and meetings of commissioners of housing authorities; to define the areas of operation of housing authorities and provide for changing certain of such areas; to define certain security for certain obligations of housing authorities; to authorize housing authorities to join or cooperate with one another and with municipalities; to make obligations of certain housing authorities legal investments and security for deposits; to authorize municipalities and other public bodies to cooperate with housing authorities; to provide that projects of county and regional housing authorities for persons of low income in rural areas shall not be subject to certain restrictions on tenant selection; and to repeal Section Fourteen (14) and Forty (40) of Title 25 of the Code of Alabama of 1940.

Also:

H. 290. To authorize any city to provide by ordinance testing stations for the purpose of testing the mechanism and equipment of motor vehicles owned or operated in such city, to fix the amount of fees for each such test, to allocate such fees to pay the costs and expenses arising therefrom, to make the use of the streets, alleys and highways dependent on compliance with such ordinance, to provide stickers to be placed on motor vehicles indicating such inspection, to impose on the director of public safety of Alabama the supervision and control over the type of test and facilities therefor, to authorize any such city to use the earnings arising from such stations operated by it to pay for the same and for the equipment, maintenance and operation thereof, to fix the extent and scope of such inspection, and enforce such ordinance by fine and imprisonment, and by seizure and impounding of motor vehicles not inspected in accordance with the terms of such ordinance.

Also:

H. 475. To Amend Sections 130, 137, 139, 140, 141, 143, 144, 145, 149 and 150 of Title 46, of the Code of Alabama of 1940.

Also:

H. 490. To amend Section 848, and 849, Title 51 of the Code of Alabama of 1940.

Also:

H. 498. To amend Section 781, Title 51, Code of Alabama of 1940.

Also:

H. 504. To amend Section 831, Title 51, of the Code of Alabama of 1940.

Also:

H. 523. To Amend Section 429 of Title 51, Code of 1940.

Also:

H. 528. To amend Section 132 of Title 62 of the Code of Alabama of 1940.

Also:

H. 634. To repeal Section 389 of Title 51 of the Code of Alabama of 1940.

Also:

H. 728. To authorize the State Department of Revenue, during the existing emergency, with the approval of the Governor, to adopt and promulgate rules and regulations for the issuance and use of stamps, or other substitute device, in lieu of motor vehicle license tags or plates now required to be issued upon the registration of motor vehicles, or in connection with the issuance of licenses for the operation thereof, which are now required by law to be placed upon motor vehicles operated on the public highways, or for the use of such stamps or substitute device in connection with any such motor vehicle tag or plate; and to provide for the enforcement of such rules and regulations, and punishment for a violation thereof.

Also:

H. 804. To provide for the appointment of a Board of Trustees to acquire, maintain, and protect certain properties and objects of historical interest located at LaGrange, in Colbert County, the site of the first chartered college in Alabama; and to provide an appropriation therefor.

Also:

H. 813. To appropriate Sixty-Five Thousand Dollars for the purpose of providing voting machines for the use of members of the House of Representatives of the State of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.



## CONSIDERATION OF SPECIAL ORDERS RESUMED

The bill:

H. 60. To authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervisions thereof; to repeal all laws and parts of laws inconsistent and in conflict with the provisions of this Act, and for other purposes.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cobb	High	Madison
Benson	Dodson	Hornsby	St. John (Cullman)
Bentley	Espy	Jones	St. John (Lawrence)
Black	Garrett	Kelly	Shaver
Bradford	Goodwin	Kilborn	Simpson
Cater	Henderson	Lawson	Toomer

—23

*Nays:*

—0

The bill:

H. 392. To amend Section 397 of Title 37 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	St. John (Cullman)
Benson	Espy	Jones	St. John (Lawrence)
Bentley	Garrett	Kelly	Shaver
Black	Goodwin	Kilborn	Sherrer
Bradford	Henderson	Madison	Simpson
Carlton	High	McCary	Smith

—24

*Nays:*

—0

The bill:

H. 545. To amend Section 304 of Title 51 of the Code of Alabama of 1940.

Was taken up.

Messrs. Cater and Madison offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 304 of Title 51 of the Code of Alabama of 1940.

Be It Enacted By the Legislature Of Alabama:

Section 1. That Section 304 of Title 51 of the Code of Alabama of 1940 be and the same is hereby amended to read as follows:

"Section 304. MANNER OF REDEMPTION OF LAND SOLD STATE.—(a) In order to obtain the redemption of land from tax sales where the same has been heretofore or hereafter sold to the State, the party desiring to make such redemption shall apply therefor as hereinafter provided and shall deposit with the Judge of Probate of the county in which the land is situated, the amount of money for which the lands were sold, with interest thereon at the legal rate of interest prevailing at the time said property was sold for taxes, together with the amount of all taxes found to be due on such land since the date of sale, as provided herein, with interest at the legal rate of interest prevailing from the maturity of such taxes and all costs and fees due to officers.

"(b) Upon application to the Probate Judge to redeem land where the same has been sold to the State for taxes, which application shall be made on blank forms to be furnished by the Land Commissioner, the Probate Judge shall submit such application to the tax assessor of the county in which the land sought to be redeemed is located, and the assessor shall without delay, enter on such application an assessment value for each of the years for which taxes are due, subsequent to the year for which such land was sold to the state for taxes, and such assessment value shall be sixty per cent of the fair and reasonable market value of such lands as of October first of the year or years subsequent to the year for which the land was sold for taxes.

"(c) Any party having a right to redeem said property, his agents or attorney, shall have the right to file a written protest with the board of equalization, objecting to the valuation of said land as placed on said property by the tax assessor, setting forth his ground of objection to the assessed value of said property as fixed by said tax assessor, and the board of equalization shall, thereafter, fix a day for hearing said protest by giving to the tax assessor and party desiring to redeem, his agents or attorney, at least ten days written notice of the day and place of hearing said

petition, and upon the hearing of said cause, the board of equalization shall have the right to review the assessed value of said property as fixed by the tax assessor, and shall fix and determine the assessed value for each of the years subsequent to the year for which such land was sold to the state for taxes, and the board of equalization shall certify to the Probate Judge the assessed value of the land so fixed.

“(d) The redemptioner shall deposit with the Probate Judge the amount of money for which lands were sold for taxes, plus the amount due for subsequent years based on the assessment value as required to be fixed herein, and interest, cost and fees as provided in this section.

“(e) If any balance remains due to the State upon any lien arising by reason of any installment redemption the payment of which is secured under the provisions of Section 325 of this Title, the redemptioner shall also deposit with the Probate Judge the amount of the balance due upon such lien, with interest to the date of redemption.

“(f) If the lands sought to be redeemed, or any portion thereof, are situated in any municipality, the redemptioner shall also deposit with the Probate Judge the amount of any unpaid taxes assessed against the same by such municipality, and an amount equal to any municipal taxes thereon which, subsequent to the tax sale, were not assessed by reason of the fact that such land had been purchased by the State of Alabama, plus interest which would have accrued upon such municipal taxes from the time the same would have otherwise become delinquent, which amounts, with interest, shall be treated and distributed in the same manner as taxes and interest thereon.”

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Cobb	Jones	St. John (Cullman)
Benson	Dodson	Kelly	St. John (Lawrence)
Bentley	Espy	Kilborn	Shaver
Black	Garrett	Lawson	Simpson
Bradford	Goodwin	Madison	Toomer
Carlton	High	McCary	Walton
Cater	Hornsby	Newton	

—26

Nays:

—0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Kelly	St. John (Cullman)	
Benson	Dodson	Kilborn	St. John (Lawrence)	
Bentley	Espy	Madison	Shaver	
Black	Goodwin	McCary	Smith	
Bradford	High	Newton	Toomer	
Carlton	Hornsby	Pinson	Walton	
Cater	Jones			—25

*Nays:*

—0

The bill:

H. 547. To amend Section 312, Title 51, of the Code of Alabama of 1940.

Was taken up.

Messrs. Cater and Madison offered the following substitute for the bill to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 312 of Title 51 of the Code of Alabama of 1940.

Be It Enacted By The Legislature of Alabama:

Section 1. That Section 312 of Title 51 of the Code of Alabama of 1940 be and the same is hereby amended to read as follows:

"Section 312. REDEMPTION OF LANDS BID IN BY STATE.—When lands which have been bid in by the State are redeemed, the Judge of Probate must immediately pay over to the Tax Collector of the county the entire amount of money received by such Judge of Probate on such redemption. The Tax Collector shall pay over to the proper authorities the fees of such officers that accrued in the sale, and shall determine the proportionate amounts of the redemption money belonging to the State, including advertising fees, and the amount of such redemption money belonging to the County, and to the school fund, and to any municipality. The Tax Collector shall monthly, by the tenth day of the month next after the month in which the redemption was made, pay over such proportions to the proper authorities, respectively, after deducting therefrom the commissions allowed by law to Tax Collectors for collecting taxes; and he shall certify to the Land Commissioner and to the County Treasurer, upon blanks to be furnished by the State Comptroller, a full descriptive statement of all real estate bid in by the State and redeemed, showing separately the amount of State, county, municipal and school taxes and penalties and costs embraced

in and covered by the redemption so reported. At the end of any month during which no land has been redeemed, the Judge of Probate shall report that fact to the Land Commissioner and to the Tax Collector."

Which was adopted.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Cullman)	
Benson	Cobb	Kelly	St. John (Lawrence)	
Bentley	Garrett	Kilborn	Simpson	
Black	Goodwin	Lawson	Toomer	
Bradford	High	Madison	Walton	
Carlton	Hill	McCary		—22

*Nays:* —0

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Madison	
Benson	Cobb	Jones	McCary	
Bentley	Garrett	Kelly	St. John (Cullman)	
Black	Goodwin	Kilborn	St. John (Lawrence)	
Bradford	High	Lawson	Simpson	
Carlton	Hill			—21

*Nays:* —0

The bill:

H. 453. To amend Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 General Session of the Legislature of Alabama.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to the bill, to-wit:

Amend Section 1 of House Bill 453 by inserting after the words "months thereafter be recorded in", appearing in the last line on page one of said bill, the following words:

"The county into which the property is brought."

And further amend House Bill 453 by striking the balance of page two after the semicolon in line one, and substituting in lieu thereof the following:

"but where such contracts are for less than two hundred dollars in amount and also run for two years or less, and relate exclusively

to household or kitchen furniture, goods, appliances or equipment, so long as such personal property remains in the county in which the vendor or lessor resides or has an established place of business, they need not be filed for record as provided in this section, and provided further that in counties having a population of more than 80,000 inhabitants according to the last federal census, or any subsequent federal census, no contract covered by this section for less than two hundred dollars in amount need be filed for record as provided herein."

Which was adopted.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hornsby	McCary
Benson	Dodson	Jones	St. John (Cullman)
Bentley	Espy	Kelly	St. John (Lawrence)
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Madison	Toomer
Cater	Henderson		

—21

*Nays:*

—0

And said bill, as thus amended, was read a third time at length, and passed.

Yeas, 25; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	St. John (Lawrence)
Benson	Espy	Kilborn	Shaver
Bentley	Garrett	Lawson	Sherrer
Black	Henderson	Madison	Simpson
Bradford	High	Newton	Smith
Cater	Hornsby	St. John (Cullman)	Toomer
Cobb	Jones		

—25

*Nays:*

—0

The bill:

H. 420. To provide that the Sheriff of any County in Alabama shall be paid the same fees for attending non-jury Civil Courts as in jury Civil Courts and for attending upon jury and non-jury criminal courts as in Jury civil Courts.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Black	Dodson	Goodwin
Benson	Cater	Espy	Henderson
Bentley	Cobb	Garrett	Hill

Hornsby	Kilborn	St. John (Cullman)	Simpson	
Jones	Lawson	St. John (Lawrence)	Smith	
Kelly	Madison	Shaver	Taylor	
				—23

Nays: —0

The bill:

H. 421. To provide for the fees and mileage to be paid to the Sheriffs of the several Counties of Alabama for taking into custody persons charged with being of unsound mind, and fixing the same fees for feeding insane prisoners as are allowed by the State for the feeding of other State prisoners.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs.:	Dodson	Jones	St. John (Lawrence)	
Benson	Garrett	Kelly	Shaver	
Bentley	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Smith	
Bradford	Hill	Madison	Taylor	
Cater	Hornsby	St. John (Cullman)	Walton	
Cobb				—24

Nays: —0

The bill:

H. 666. To amend Section 335 of Title 55 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs.:	Espy	Kelly	Shaver	
Benson	Goodwin	Kilborn	Simpson	
Black	Henderson	Lawson	Smith	
Bradford	High	Madison	Taylor	
Cater	Hill	McCary	Toomer	
Cobb	Hornsby	St. John (Cullman)	Walton	
Dodson	Jones	St. John (Lawrence)		—26

Nays: —0

H. 553. To repeal Sections 145 to 162, inclusive, of Title 28 of the Code of Alabama of 1940, and to provide that such repeal shall not affect the obligation of any life insurance company organized under the laws of this State to maintain with respect to all registered policies heretofore issued by it under the provisions of said sections so repealed the deposits now required with respect to such registered policies or the right of any such company to make addi-

tional deposits or to increase such deposits or to withdraw excess deposits or to collect and receive the income, interest coupons, rents and profits on the securities so deposited or any of the rights, duties and obligations of the Superintendent of Insurance and the State Treasurer, respectively, with reference to all such deposits, all as now provided by any and all of said sections.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	St. John (Cullman)
Benson	Dodson	Hornsby	St. John (Lawrence)
Bentley	Espy	Jones	Shaver
Black	Garrett	Kelly	Sherrer
Bradford	Goodwin	Kilborn	Simpson
Carlton	Henderson	Lawson	Toomer
Cater	Hill	McCary	Walton

—27

*Nays:*

—0

The bill.

H. 618. To amend Section 63 of Title 14, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

*Yeas:*

Messrs.:	Cater	Jones	Shaver
Benson	Cobb	Kelly	Sherrer
Bentley	Dodson	Kilborn	Simpson
Black	Garrett	McCary	Taylor
Bradford	Goodwin	St. John (Cullman)	Toomer
Carlton	Hill	St. John (Lawrence)	

—22

*Nays:*

—0

The bill.

H. 619. To amend Section 64 of Title 14, Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	St. John (Cullman)
Benson	Dodson	Hornsby	St. John (Lawrence)
Bentley	Garrett	Jones	Shaver
Black	Goodwin	Kilborn	Simpson
Bradford	Henderson	Lawson	Taylor
Carlton	High	McCary	Walton

—24

*Nays:*

—0



The bill:

H. 693. To amend Section 752, Title 51 of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Hill	St. John (Cullman)
Benson	Dodson	Hornsby	St. John (Lawrence)
Bentley	Espy	Jones	Simpson
Black	Garrett	Kelly	Smith
Bradford	Goodwin	Lawson	Toomer
Carlton	Henderson	Madison	Walton
Cater	High	McCary	

—26

*Nays:*

—0

The bill:

H. 507. To amend Section 710, Title 51, of the Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Cobb	Jones	Shaver
Benson	Espy	Kilborn	Simpson
Bentley	Garrett	Madison	Smith
Black	Goodwin	McCary	Taylor
Bradford	Hill	St. John (Cullman)	Toomer
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater			

—24

*Nays:*

—0

The bill:

H. 508. To amend Section 708, Title 51 of the Code of 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	St. John (Lawrence)
Benson	Goodwin	Kilborn	Shaver
Bentley	Henderson	Lawson	Simpson
Black	High	Madison	Smith
Bradford	Hill	McCary	Toomer
Cater	Hornsby	St. John (Cullman)	Walton
Cobb			

—24

*Nays:*

—0

The bill:

H. 108. To amend Section 472, Title 51, Code 1940.

Was taken up.

Mr. Simpson offered the following substitute for the bill, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 472, Title 51, Code 1940.

Be It Enacted By The Legislature Of Alabama:

Section 1. That Section 472, Title 51, Code 1940, be amended so as to read as follows:

"Section 472—Battery Shops—Each Battery Shop for the repairing and recharging and selling of batteries in cities and towns of over sixty thousand inhabitants, twenty dollars; in cities and towns of sixteen thousand inhabitants and not over sixty thousand inhabitants, fifteen dollars, in cities and towns of five thousand not over sixteen thousand inhabitants, ten dollars; in all other places whether incorporated or not, five dollars. Providing, however, that the above license shall not apply unless a complete battery service is rendered. Each manufacturer of batteries shall pay a license of one hundred dollars (\$100.00). Provided such manufacturer paying the license hereunder shall not be required to pay the license under Section 609 of this Title."

That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas, 23; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	Shaver
Benson	Cobb	Jones	Simpson
Bentley	Dodson	Kilborn	Smith
Black	Gatrett	Madison	Taylor
Bradford	Goodwin	St. John (Cullman)	Toomer
Carlton	Hill	St. John (Lawrence)	Walton

—23

*Nays:*

—0

And said bill, as thus amended, was by the substitute, read a third time at length, and passed.

Yeas, 22; Nays, 0.

Nays:

—0

Messrs.:	Cobb	Hornsby	Simpson
Benson	Dodson	Jones	Smith
Bentley	Espy	Kilborn	Taylor
Black	Garrett	Madison	Toomer
Bradford	Goodwin	McCary	Walton
Cater	Hill	Shaver	

—22

Nays:

—0

The bill:

H.176. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this State by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers; to establish equalization of secured claims against delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisor agency of reciprocal states.

Was read a third time at length and passed.

Yeas, 23; Nays, 0.

Yeas:

Messrs.:	Cobb	Hornsby	Sherrer
Benson	Dodson	Jones	Simpson
Bentley	Garrett	Kilborn	Smith
Bradford	Goodwin	McCary	Taylor
Carlton	Henderson	St. John (Lawrence)	Toomer
Cater	Hill	Shaver	Walton

—23

Nays:

—0

The bill:

H. 71. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Was read a third time at length and passed.

Yeas, 23; Nays, 4.

*Nays:*

Messrs..	Cater	Hill	McCary
Benson	Cobb	Hornsby	St. John (Cullman)
Bentley	Espy	Jones	Shaver
Black	Garrett	Kilborn	Simpson
Bradford	Goodwin	Lawson	Smith
Carlton	High	Madison	Toomer

—23

*Nays:* Messrs.: Dodson, St. John (Lawrence), Taylor and Walton

—4

The bill:

H. 28. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Was taken up.

The Standing Committee on Finance and Taxation offered the following amendment to the Bill, to-wit:

Amend H. B. 28 as follows:

Amend Section 1 of said bill by striking out the period at the end of said Section 1, and by inserting in lieu thereof a semi-colon, and by adding the following words, namely:

“nor shall said exemption, deduction or commutation be construed as relieving any person from the payment of any license tax for the registration or operation of any motor vehicle upon the public highways of the State.”

Was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Shaver
Benson	Garrett	Kelly	Sherrer
Bentley	Goodwin	Kilborn	Simpson
Bradford	High	Madison	Smith
Carlton	Hill	McCary	Toomer
Cater	Hornsby	St. John (Lawrence)	Walton
Cobb			

—24

*Nays:*

—0

And said bill, as thus amended, was read a third time at length passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Espy	Jones	Shaver	
Benson	Garrett	Kelly	Sherrer	
Bentley	Goodwin	Kilborn	Simpson	
Bradford	High	Madison	Smith	
Carlton	Hill	McCary	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb				—24

*Nays:*

—0

The bill:

H. 366. To amend Section 702, Title 51, Code 1940.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Garrett	Jones	Shaver	
Benson	Goodwin	Kelly	Simpson	
Bentley	Henderson	Kilborn	Smith	
Bradford	High	McCary	Taylor	
Carlton	Hill	St. John (Cullman)	Toomer	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb				—24

*Nays:*

—0

The bill:

H. 256. To authorize the Board of Revenue or Court of County Commissioners or like governing body in the several counties of this state to create the office of County Service Commissioner; to provide for appointment; to fix his qualifications; to provide for his compensation, and; to define his powers and duties.

Was taken up.

Mr. McCary offered the following amendment to the Bill, to-wit:

Amend Section 2 of House Bill 256 by striking out the words "Board of Revenue or Court of County Commissioners or like governing body" wherever they appear therein and inserting in lieu thereof the words "Judge of Probate."

And

by striking out the word "Board" where it appears in line four of said section and inserting in lieu thereof the words "Judge of Probate"

Mr. Walton moved to table said amendment, which motion prevailed.

Mr. Kilborn offered the following amendment to the Bill, to-wit:

Amend H. B. 256 by adding at the end of Section 2 thereof an additional subsection 2(a) as follows:

Section 2 (a) Where there is in effect in any county desiring to appoint a commissioner under this act a merit or civil service law governing county employees the Service Commissioner shall be selected from nominees submitted by the American Legion Post or Council of Posts as the case may be, and the Commissioner shall be subject to the provisions of such civil service law as to compensation, qualifications and tenure.

Which was adopted.

Yeas, 24; Nays, 0.

*Yeas:*

Messrs.:	Dodson	Kelly	Shaver
Benson	Garrett	Kilborn	Sherrer
Bentley	Goodwin	Madison	Simpson
Bradford	Henderson	McCary	Smith
Carlton	High	St. John (Cullman)	Taylor
Cater	Hornsby	St. John (Lawrence)	Walton
Cell			

—24

*Nays:*

—0

Mr. Walton offered the following amendment to the Bill, as amended, to-wit:

Amend House Bill No. 256 by striking from said Bill Section 6 as same now appears and substitute in lieu thereof as Section 6 the following:

Section 6. The compensation of the County Service Commissioner in the several counties of the State shall be fixed and paid by the Board of Revenue, Court of County Commissioners or like governing body, in the following manner and amounts: In all counties where the assessed value of real and personal property does not exceed the sum of thirty-five million dollars, the said Service Commissioner shall receive a sum of not more than eighteen hundred dollars per annum; and in all counties where the total assessed value of real and personal property exceeds thirty-five million dollars, the said Service Commissioner shall receive not more than three thousand dollars per annum. The compensation payable herein shall be paid in equal monthly installments by warrant drawn by the Board of Revenue, Court of County Commissioners, or like governing body, on the county treasurer of county depository. The County Service Commissioner shall be furnished an office at the expense of the county and shall be allowed all necessary expenses for the conduct of his office, including clerical or stenographic assistance, and such travel expense within the county

as may be necessary for the purpose of carrying out the provisions of this Act.

Which was adopted.

Yeas, 20; Nays, 3.

*Yeas:*

Messrs.:	Garrett	Kelly	Shaver	
Benson	Goodwin	Kilborn	Simpson	
Bentley	High	McCary	Smith	
Bradford	Hill	St. John (Cullman)	Taylor	
Cater	Hornsby	St. John (Lawrence)	Walton	
Cobb				—20

*Nays:* Messrs.: Carlton, Henderson and Toomer —3

Mr. Simpson then moved to indefinitely postpone the bill, as amended, which motion was lost.

Yeas, 11; Nays, 14.

*Yeas:*

Messrs.:	Garrett	Hill	Shaver	
Carlton	Henderson	Kilborn	Simpson	
Cobb	High	St. John (Cullman)	Toomer	
				—11

*Nays:*

Messrs.:	Cater	Madison	Smith	
Benson	Goodwin	McCary	Taylor	
Bentley	Hornsby	St. John (Lawrence)	Walton	
Bradford	Kelly	Sherrer		—14

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 17; Nays, 8.

*Yeas:*

Messrs.:	Cobb	Kelly	Sherrer	
Benson	Garrett	Madison	Smith	
Bentley	Goodwin	McCary	Taylor	
Bradford	High	St. John (Lawrence)	Walton	
Cater	Hornsby			—17

*Nays:*

Messrs.:	Hill	St. John (Cullman)	Simpson	
Carlton	Kilborn	Shaver	Toomer	
Henderson				—8

The bill:

H. 576. For the relief of The Western Railway of Alabama through the refund to it by the State of Alabama of certain sums paid by it by mistake of fact or law or erroneously to the State of

Alabama as gross receipts taxes for the years 1932, 1933, 1934, 1935, 1937, and 1938, and to appropriate for this purpose the sum of \$37,113.96 out of any monies in the State Treasury not otherwise appropriated.

Was taken up.

Mr. St. John (Lawrence) moved that further consideration of the bill be indefinitely postponed.

And on motion of Mr. Walton, the motion to indefinitely postpone was laid on the table.

Yeas, 16; Nays, 12.

*Yeas:*

Messrs.:	Goodwin	Lawson	Shaver	
Black	Hill	Madison	Simpson	
Carlton	Jones	Pinson	Smith	
Cater	Kelly	St. John (Cullman)	Walton	
Espy				—16

*Nays:*

Messrs.:	Dodson	Kilborn	St. John (Lawrence)	
Benson	Garrett	McCary	Taylor	
Bentley	Hornsby	Newton	Toomer	
Bradford				—12

Mr. St. John (Cullman) moved that further consideration of the bill be postponed until after all other Special Orders had been disposed of.

Mr. Goodwin moved that the motion of Mr. St. John (Cullman) be laid on the table, which motion was lost.

Yeas, 10; Nays, 18.

*Yeas:*

Messrs.:	Garrett	Hill	Smith	
Black	Goodwin	Jones	Walton	
Cater	High	Madison		—10

*Nays:*

Messrs.:	Dodson	Kilborn	Shaver	
Benson	Espy	McCary	Simpson	
Bentley	Henderson	Newton	Taylor	
Bradford	Hornsby	St. John (Cullman)	Toomer	
Cobb	Kelly	St. John (Lawrence)		—18

And said bill was then indefinitely postponed by the Senate.



## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill:

S. 117. To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms except purse seines; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial nets and seines used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and other seafood and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of the Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kilborn, the Senate concurred in and adopted the following House amendment to the bill, S. 117, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other bait,

seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms except purse seines; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide a penalty for such illegal possession; to regulate commercial nets and seines used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and other seafood and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of the Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Be It Enacted By The Legislature Of Alabama:

Section 1. Size of Mesh in Salt Water: It shall be unlawful to have in possession or use, for the taking of salt water fish or other seafoods, seines, nets or trawls with a mesh of a size other than that prescribed by the rules and regulations of the Department of Conservation of the State of Alabama where practical to conform with Louisiana, Mississippi, and Florida laws. All measurements of seines, nets and trawls are to be taken from knot to knot after said nets have been tarred and shrunk. The size of the mesh of all seines, nets and trawls and the size of other devices which are used for the sole purpose of taking minnows, shrimp or other baits, for use as bait, shall conform to the rules and regulations of the Department of Conservation of the State of Alabama.

Section 2. Limitation of Length and Seines, etc. It shall be unlawful for any person, firm or corporation to have in possession or in use any seine, trammel net, gil net, or other device for the taking or catching of salt water fish or other seafoods, having in length on the lead line of more than 500 fathoms (3,000 feet), except on purse seines where the Director may set additional length. When two or more nets are joined together they shall be considered as one and the total length thereof must not exceed the above limitation.

Section 3. All Gar fish taken by any person in any waters must be killed before returning to the waters of Alabama.

Section 4. License Fees: Each license issued by the Director of Conservation or his authorized agent shall state the name of the applicant and if the said applicant is a resident of the State of Alabama he shall pay a fee of \$1.00 for commercial hook and line fishing, \$5.00 on each net or seine of any kind not more than 200 fathoms in length, \$10.00 on each seine or net of any kind over 200 but not over 300 fathoms in length, and \$20.00 on each seine or net of any kind over 300 but not over 400 fathoms in length, and \$40.00 on all seines of nets of any kind over 400 and not over 500 fathoms in length, and \$100.00 for each purse seine over 500 fathoms in length. Non-residents shall pay a double license except where such non-resident of the State of Alabama is a resident of a State which has a reciprocal fishing agreement with the State of Alabama and where such State does not itself charge residents of Alabama a double license. All nets and seines must be licensed, and the operator of such seine or net must have such license in his possession. A non-resident as herein mentioned is defined to be any person, firm, association or corporation who has not been continuously domiciled in this State for more than one year prior to the date of the issuance of such license. All licenses issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same.

Section 5. Each person, firm or corporation engaged in buying or handling salt water fish secured from commercial fishermen, or from other wholesale dealers, for the purpose of resale, whether handled on a commission basis or otherwise, and every person, firm, or corporation shipping salt water fish out of the State of Alabama on consignment or order, shall be considered a wholesale dealer, and if such person, firm or corporation is a resident of the State of Alabama he or it shall be required to pay a license in the sum of \$25.00 per annum, said license to be issued by the Director of Conservation or his authorized agent. Any person handling salt water fish strictly at retail to the consumer shall be considered a retailer and must purchase a license and pay the sum of \$5.00 per annum for same. A non-resident as herein mentioned is defined to be any person, firm association, or corporation who has not been continuously domiciled in this State or in the case of a corporation who has not been engaged in business in this State, for more than one year prior to the date of the application for license required by this section. Non-residents shall pay a double license except where such non-resident of the State of Alabama is a resident of a State which has a reciprocal fishing agreement with the State of Alabama and where such State does not itself charge residents of Alabama a double license.

Section 6. Statistical Data to be furnished Director of Conservation: Each any every person, firm or corporation holding a wholesale dealer's license issued by the Director of Conservation or his

authorized agent shall under oath make a quarterly return to the Director of Conservation on blanks provided for that purpose by such Director, which report shall show in detail the weight in pounds of each species of fish purchased from commercial fishermen during the preceding month. The returns required by this Section must be in the hands of the Director of Conservation by the first day of January, April, July and October of each year, and willful failure or refusal to make the return by the required date or upon notification by the Director of Conservation that such report has not been received, or the filing of a false return shall be deemed a violation of this Section and the Director of Conservation shall have the discretion to suspend or cancel such dealer's license until such time as the provisions of this Section are complied with and such license shall not be used by any person, firm, or corporation until the same is restored by said Director.

Section 7. Unlawful to Refuse to Submit to Inspection or Evade this Act: It shall be unlawful for any packer, commission-man, dealer, shipper or boatman to refuse to open his place of business or boat where fish, oyster or other seafoods may be dumped, kept or stored, except his actual residence, for inspection by any officer whose duty it is to inspect same, or to conspire or agree with any person to evade any of the provisions of this Act or any laws hereafter enacted, or to knowingly connive or participate in any such violation. A violation of the provisions of this Section shall constitute a misdemeanor and any person, firm or corporation so violating shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

Section 8. Possession or operation of any illegal tackle, or any illegal fishing devices, or use of any boat or vessel that is not licensed as required by this Act, shall be considered prima facie evidence that it is kept or used for unlawful purpose, and such possession or operation or use shall be punishable by a fine of not less than \$25.00 and not more than \$500.00.

Section 9. Issuance of Licenses: The judge of probate, the commissioner, or such person not residing at the county seat in which the county court house is located, and duly appointed by the Director of Conservation, and so authorized by him, shall have authority to issue all licenses, resident or non-resident, to all persons complying with the provisions of this Act, and shall sign his name, and shall require the person to whom the license is issued to sign his name on the margin thereof. The person or persons issuing said license shall keep in a book or on specially prepared sheets to be furnished by the Director of Conservation a correct and complete record of all licenses issued, which record shall remain in his office and be open to inspection by the public at all reasonable times.

Section 10. Fees of Issuing Officers: Disposition of Remainder: Reports: Judges of probate and other persons authorized

and designated to issue licenses shall retain out of the money received for each license issued under the provisions of this Act twenty-five cents for each license issued, which amount shall cover services required by the provisions of this Act, and shall remit the balance to the Director of the Department of Conservation on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the Director of the Department of Conservation of the State of Alabama on the first day of each month the number and kind of licenses issued under this Act and the name and postoffice address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued, and the amount of money remitted. Provided, however, that if any such license is issued by the Director of Conservation or by any probate judge or other officer who is paid a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the Director of Conservation, except the amount charged by the issuing officer for the issuance of such license and this amount shall be remitted to the Treasurer of the County in which said license was paid.

Section 11. The proceeds from the sale of all licenses and all fees required by any of the provisions of this Act shall go to the Department of Conservation and shall be used by such Department for the administration of its Division of Game, Fish and Seafoods except as may otherwise be provided by law.

Section 12. A violation of any of the provisions of this Act shall be a misdemeanor and the person so violating, unless otherwise provided by this Act, shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Section 13. All laws or parts of laws, general, special or local, in conflict with the provisions of this Act are hereby repealed.

Section 14. This Act shall take effect immediately upon its passage and approval by the Governor.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hornsby	St. John (Lawrence)
Benson	Cobb	Kelly	Sherrer
Bentley	Garrett	Kilborn	Simpson
Black	Goodwin	Madison	Taylor
Bradford	High	McCary	Toomer
Carlton	Hill		

—21

*Nays:*

—0

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 21; Nays, 0.

*Yeas:*

Messrs.:	Cater	Hill	St. John (Lawrence)
Benson	Cobb	Hornsby	Sherrer
Bentley	Espy	Kilborn	Simpson
Black	Goodwin	Madison	Taylor
Bradford	Henderson	McCary	Walton
Carlton	High		
			—21
<i>Nays:</i>			—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the bill:

H. 453. TO AMEND Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 General Session of the Legislature of Alabama.

R. T. Goodwyn, Jr.,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two houses on the House amendment to the bill, S. 272. Said report of said Conference Committee being in words and figures as follows:

## REPORT OF CONFERENCE COMMITTEE

TO THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE:

REPORT OF CONFERENCE COMMITTEE OF THE SENATE AND HOUSE APPOINTED FOR THE PURPOSE OF RECONCILING THE DIFFERENCES BETWEEN THE TWO HOUSES ON SENATE BILL 272 BY MR. SIMPSON.

Your Conference Committee recommends that the Senate and House both recede from their position on Senate Bill No. 272, and that the substitute for said Senate Bill No. 272 hereto attached be adopted by both Houses.

Respectfully submitted:

J. A. Simpson  
Silas D. Cater  
Will O. Walton  
Conferees on the part of the Senate  
Jorman W. Harris  
James B. Allen  
W. C. Thomas  
Conferees on the part of the House

The vote being: Yeas, 57; Nays, 2. And said bill

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940)

As amended by the report of the Committee of Conference was again read a third time at length and passed by a vote of: Yeas, 57; Nays, 2.

And said bill, together with the report of the Committee of Conference, is herewith returned to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

Also:

S. 307. To provide for the refunding of Revenue Bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporations to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Also:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

Also:

S. 363. To ratify and confirm expenditures heretofore made by the several counties and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

Also:

S. 368. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Also:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which said proceeds may be used by the respective counties and to provide for

the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from receipts from National Forests located therein from the State or Federal Government or any Department or agency thereof.

Also:

S. 135. To Repeal Sections 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the Bills:

II. 547. To amend Section 312 of Title 51 of the Code of Alabama of 1940.

Also:

H. 545. To amend Section 304 of Title 51 of the Code of Alabama of 1940.

R. T. Goodwyn, Jr.,  
Clerk.

#### RECESS

At 6:00 P.M., on motion of Mr. Carlton, the Senate took a recess until 8:00 P.M. tonight.



## SIXTIETH DAY—NIGHT SESSION

Friday, July 2, 1943.

The Senate re-assembled at 8:00 P. M., Lieutenant-Governor Ellis presiding.

## ROLL CALL

Present:

Messrs.:	Garrett	Kilborn	Shaver
Benson	Goodwin	Madison	Sherrer
Bentley	Henderson	McCary	Simpson
Black	High	Newton	Smith
Bradford	Hill	St. John (Cullman)	Taylor
Carlton	Hornsby	St. John (Lawrence)	Walton
Cater	Kelly		

—25

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 28. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Also:

H. 108. To amend Section 472, Title 51, Code 1940.

R. T. Goodwyn, Jr.,  
Clerk.

## REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 71. To amend Title 8 Section 68 of the Code of Alabama of 1940.

Also:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Also:

S. 73. To amend Section 63, Title 8 of the Code of Alabama of 1940.

Also:

S. 121. To Amend Section 73 of Title 8 of the Code of Alabama of 1940.

Also:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

Also:

S. 274. To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Also:

S. 285. To appropriate \$20,000 for the purchase of certain real estate to be donated by the State of Alabama to the United States for a national cemetery and memorial; and to authorize, empower and direct the purchase and conveyance thereof.

Also:

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; To prevent misrepresentation thereof; to give the State Board of Agriculture and industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions of this Act; To repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes—

Also:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Also:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.

Also:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than \$140,000 nor more than 300,000 according to the last or any subsequent Federal census.

Sam High,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 256. To authorize the Board of Revenue or Court of County Commissioners or like governing body in the several counties of this state to create the office of County Service Commissioner; to provide for the appointment; to fix his qualifications; to provide for his compensation, and; and to define his powers and duties.

R. T. Goodwyn, Jr.,  
Clerk.

## RESOLUTION

Mr. Simpson offered the following Senate joint resolution:

S. J. R. 89. BE IT RESOLVED by the Senate the House concurring that a Committee of three be appointed, one to be named by the President of the Senate and two to be named by the Speaker of the House to notify the Governor that the two houses of the Legislature have completed their labors and stand ready to adjourn sine die, and await any communications he desires to submit before such adjournment.

The rules were suspended and the resolution adopted.

The President and Presiding Officer of the Senate appointed Mr. Simpson as committee on the part of the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate joint resolution:

S. J. R. 89. Be it resolved by the Senate the House concurring that a Committee of three be appointed, one to be named by the President of the Senate, and two to be named by the Speaker of the House, to notify the Governor that the two Houses of the Leg-

islature have completed their labors and stand ready to adjourn sine die, and await any communications he desires to submit before such adjournment.

And the Speaker named on the part of the House: Messrs. Norman of Bullock, and Tucker.

And returns same herewith to the Senate.

R. T. Goodwyn, Jr.,  
Clerk.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 117 To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seatoods or minnows or other baits, seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession an seine or net or other device for the taking of salt water fish or other seafoods with a lead line of length of more than 500 fathoms except purse seines; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide for the confiscation and disposal of the same; to regulate commercial nets and seines used in salt water fishing and to require licenses fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and other seafood and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of the Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Also:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public salt waters of Alabama for fish, shrimp, crabs or oysters whenever the respective laws of such other

states permit residents of Alabama to fish commercially in the public waters of such other sates for fish, shrimp, crabs or oysters.

Also:

S. 135. To Repeal Section 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

Also:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

Also:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which said proceeds may be used by the respective counties and to provide for the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from receipts from National Forests located therein from the State or Federal Government or any Department or agency thereof.

Also:

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand and not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations

which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such funds out of city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

Also:

S. 307. To provide for the refunding of Revenue Bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporations to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Also:

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

Also:

S. 363. To ratify and confirm expenditures heretofore made by the several counties and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

Also:

S. 368. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Also:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

Sam High,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 28. To amend Section 852 of Title 51 of the Code of Alabama 1940 pertaining to the exemption of disabled veterans from the payment of certain licenses.

Also:

H. 60. To authorize the establishment and the maintenance of common trust funds; to authorize investments or participations therein; to define the requirements and terms thereof and the conditions and terms governing investments or participations therein and the admission and withdrawal of such investments or participations; to prescribe and define the rights, powers and duties of banks, trust companies, fiduciaries, participants, beneficiaries and other persons with respect thereto; to provide for the regulation and supervisions thereof; to repeal all laws and parts of laws in-

consistent and in conflict with the provisions of this Act, and for other purposes.

Also:

H. 71. To amend Section 23 of Title 34 of the Code of Alabama, 1940.

Also:

H. 108. To amend Section 472, Title 51, Code 1940.

Also:

H. 176. To provide for the rehabilitation, reorganization and liquidation of insurers doing business in more than one state; to define a "reciprocal state"; to provide that the insurance supervisory agency of such state be vested with title to the assets of any domestic insurer and conduct the affairs of delinquent insurers under judicial supervision; to provide for the filing of claims in this State by claimants who reside, or whose claims are based upon acts or contracts of insurers, in a reciprocal state; to provide that the Circuit Courts of this State shall have jurisdiction of such claims arising in this State; to determine the preferences against the general assets of domestic insurers; to provide for the administration of such deposits, or bonds in lieu thereof, of delinquent domestic insurers; to establish equalization of secured claims against delinquent domestic insurers and to define same; to provide that title to assets of delinquent domestic insurers shall vest in the insurance supervisory agency of any reciprocal state wherein proceedings against such insurer are commenced; to define those special deposits of such insurers which shall be subject to such proceedings; and to provide for the administration of general assets of such insurers by the insurance supervisory agency of reciprocal states.

Also:

H. 311. To provide that in counties in which the county superintendent of education is elected by popular vote, that the successful candidate shall take office on the July 1 following the date of his election.

Also:

H. 357. To authorize any incorporated municipality in this state and any water works board operating in such municipality to contract with each other to provide for the operation and management by such board, as agent of such municipality, of any sanitary sewer system in such municipality, and in aid of such operation to authorize such board to discontinue service to any water customer upon failure by such customer to pay any charge for service by or from such sanitary sewer system.



Also:

H. 366. To amend Section 702, Title 51, Code 1940.

Also:

H. 392. To amend Section 397 of Title 37 of the Code of Alabama of 1940.

Also:

H. 420. To provide that the Sheriff of any County in Alabama shall be paid the same fees for attending non-jury Civil Courts as in jury Civil Courts and for attending upon jury and non-jury criminal courts as in Jury civil Courts.

Also:

H. 421. To provide for the fees and mileage to be paid to the Sheriffs of the several Counties of Alabama for taking into custody persons charged with being of unsound mind, and fixing the same fees for feeding insane prisoners as are allowed by the State for the feeding of other State prisoners.

Also:

H. 453. To amend Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 General Session of the Legislature of Alabama.

Also:

H. 507. To amend Section 710, Title 51, of the Code of Alabama of 1940.

Also:

H. 508. To amend Section 708, Title 51 of the Code of 1940.

Also:

H. 545. To amend Section 304 of Title 51 of the Code of Alabama of 1940.

Also:

H. 547. To amend Section 312, of Title 51, of the Code of Alabama of 1940.

Also:

H. 553. To repeal Sections 145 to 162, inclusive, of Title 28 of the Code of Alabama of 1940, and to provide that such repeal shall not affect the obligation of any life insurance company organized under the laws of this State to maintain with respect to all registered policies heretofore issued by it under the provisions of said sections so repealed the deposits now required with respect to such registered policies or the right of any such company to make additional deposits or to increase such deposits or to withdraw excess deposits or to collect and receive the income, interest coupons, rents

and profits on the securities so deposited or any of the rights, duties and obligations of the Superintendent of Insurance and the State Treasurer, respectively, with reference to all such deposits, all as now provided by any and all of said sections.

Also:

H. 618. To amend Section 63 of Title 14, Code of Alabama, 1940.

Also:

H. 619. To amend Section 64 of Title 14, Code of Alabama, 1940.

Also:

H. 666. To amend Section 335 of Title 55 of the Code of Alabama of 1940.

Also:

H. 693. To amend Section 752, Title 51 of the Code of Alabama of 1940.

Also:

H. J. R. 102. Relative to designating Senate Bills 71, 72, 73, 74, and 127, as the Norman, Givhan, Henderson Acts.

Also:

H. 256. To authorize the Board of Revenue or Court of County Commissioners or like governing body in the several counties of this state to create the office of County Service Commissioner; to provide for the appointment; to fix his qualifications; to provide for his compensation, and; to define his powers and duties.

R. T. Goodwyn, Jr.,  
Clerk.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing message from the House.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills

and Senate joint resolutions delivered to the Governor with the date and hour of delivery, to-wit:

S. 136. To amend Section 3 of Title 30 of Code of 1940.

Delivered to the Governor June 22, 1943 at 10:30 A. M.

Also:

S. 330. To provide for the investment in direct obligations of the United States Government of funds held in trust pursuant to the provisions of the Income Tax Amendment to the Constitution of Alabama for the payment of State of Alabama Refunding Bonds dated July 1, 1935.

Delivered to the Governor June 23, 1943 at 10:30 A. M.

Also:

S. 349. To create the office of President of the Board of Revenue in the Cherokee County, Alabama, to provide for his appointment and or election: to provide for filling any vacancy in such office: to prescribe his qualifications, duties and powers, the manner and amount of his compensations, his oath of office, his official bond and provide for the payment of the premium thereon by the County.

Delivered to the Governor June 23, 1943 at 10:30 A. M.

Also:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, any General or Local Law to the contrary notwithstanding, and to provide when this Act shall go into effect.

Delivered to the Governor June 23, 1943 at 10:30 A. M.

Also:

S. 188. To amend Section 185, 187, 191, 204, 209, 212, 213, 214, 216, 224, 225, 227, 233 and 248 of Title 26, Code of Alabama, 1940, and to repeal all of Section 226 of Title 26, Code of Alabama, 1940, and to repeal all laws and parts of laws in conflict herewith.

Delivered to the Governor June 24, 1943, at 12:10 P. M.

Also:

S. 341. To create a Department of Labor of the State of Alabama and to provide for its personnel, powers, functions, and duties and the performance thereof, to provide for the appointment by the Governor of boards of mediation, and to provide for their personnel, powers, functions, duties, and procedure, to regulate the activities and affairs of labor organizations and to require re-

ports thereby, to make unlawful interference with the right to work or with the obtaining, use, or disposition of materials, equipment, or service, to regulate the exercise of the right to strike, to prohibit the collection, receipt, or demand of money for the privilege of working, to prohibit executive, administrative, professional, or supervisory employees from becoming members in certain labor organizations, to prohibit political contributions by labor organizations, to create civil liability and to establish civil and criminal penalties and remedies for the violation of this Act and to provide for the enforcement thereof, to make an appropriation for the administration of this Act, and to repeal subsection (2) of Section 3, and subsection (3) of Section 3, and Section 28 of Title 26 of the Code of Alabama.

Delivered to the Governor June 24, 1943, at 12:10 P. M.

S. 160. To authorize the governing body or road and bridge commissioner of each county in the State of Alabama, to refund, by the issuance of refunding warrants, the principal of and interest on any warrants of such county outstanding on May 1, 1943, which were theretofore issued for the purpose of constructing or maintaining or aiding in the construction or maintenance of roads and bridges in such county or for the purchase of supplies and equipment for the construction or maintenance of such roads and bridges; to specify properties of such refunding warrants; to authorize the pledge and use for the payment of the principal of and interest on such refunding warrants of so much as may be necessary of the proceeds hereafter receivable by such county from any tax now or hereafter levied by said state upon the sale, distribution, storage, and withdrawal from storage of gasoline and other liquid motor fuels and distributed to such county; to protect the holders of any such refunding warrants; and to repeal all laws or parts of laws in conflict with this act to the extent of any such conflict.

Delivered to the Governor June 24, 1943, at 4:40 P. M.

S. 383. To appropriate the sum of \$5,080.00 out of the general fund of the State in addition to that appropriated by Act No. 26 approved May 20, 1943, for the purpose of laying a water main to supply the Tuberculosis Sanatorium in Morgan County, Alabama, with water.

Delivered to the Governor June 24, 1943, at 4:40 P. M.

Also:

S. 179. To amend Section 480 of Title 52 of the Code of Alabama of 1940.

Delivered to the Governor June 24, 1943, at 4:40 P. M.

Also:

S. 287. To amend Section 198 of title 17 of the Alabama Code of 1940.

Delivered to the Governor June 24, 1943, at 4:40 P. M.

Also:

S. 343. To further provide for the fiscal management of Wilcox County; to provide for the refunding and amortization of the outstanding obligations of Wilcox County and the refunding and amortization of obligations of Wilcox County that may hereafter be issued.

Delivered to the Governor June 25, 1943 at 12:15 P. M.

S. 156. To provide for relief of individuals, partnerships and corporations engaged in business in which stocks of merchandise are now or may have been frozen by orders of Office of Price Administration or other federal governmental agencies for war emergency from ad valorem taxation, and to provide for the time for which such relief shall extend or cover.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 261. To authorize the several counties and municipalities of the State of Alabama to appropriate moneys for the promotion of the sale of United States War Bonds and stamps, and to limit its expenditures.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 374. To amend Section 3 and 5 of an act entitled "An act to create the office of County Solicitor for Baldwin County, Alabama, to provide the manner or selecting such County Solicitor, to fix his qualifications and tenure of office, to define his duties and to fix his compensations and to provide the manner of paying the same" approved March 5th, 1931.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 365. To provide that all fines imposed and all forfeitures made final, in the Inferior Court of Tuscaloosa County, when collected, shall within thirty days, be paid into the General Fund of Tuscaloosa County, and General or Local Laws to the contrary notwithstanding, and to provide when this Act shall go into effect; provided that only fifty percent (50%) of fines, collected for viola-

tion of traffic laws, which under the General Law go to the Department of Public Safety, shall be paid into the General Fund of Tuscaloosa County.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 399. To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation and allowance of the coroner of Montgomery County, Alabama.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 401. To authorize and require the Board of Revenue of Montgomery County, Alabama, to provide a pension or retiring allowance plan for the employees of said County, but not for the elective officials.

Delivered to the Governor June 28, 1943 at 11:45 A. M.

Also:

S. 406. To require actuarial surveys and reports in respect of public pension and relief funds and systems for the benefit of county and municipal employees in counties which may now or hereafter have a population of four hundred thousand or more inhabitants according to the last or any succeeding Federal Census.

Delivered to the Governor June 28, 1943 at 4:10 P. M.

Also:

S. 407. To alter and extend the boundaries of the City of Birmingham: to provide for an election to submit to the qualified voters of the territory to be annexed to said City of Birmingham for their approval or rejection of such alterations and extension.

Delivered to the Governor June 28, 1943 at 4:10 P. M.

Also:

S. 380. To Amend an Act known as Senate Bill No. 159 (House No. 160) approved March 15, 1939, creating the office of Clerk of The Court of Common Pleas of Dothan, Alabama, by adding additional duties and authority for the Clerk and by providing additional compensation for said Clerk for performing such duties.

Delivered to the Governor June 28, 1943 at 4:10 P. M.

Also:

S. J. R. 65. Relative to: House Bill No. 1. be known as the Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan Bill.

Delivered to the Governor June 29, 1943 at 12:15 P. M.

Also:

S. J. R. 66. Relative to: House Bill #66 be known as the Bentley-Smyer Act.

Delivered to the Governor June 29, 1943 at 12:15 P. M.

Also:

S. 38. To amend Section 9 of Title 22 of 1940 Code of Alabama relating to the State Health Officer; election; duties and powers.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 166. To limit the time within which suits may be brought in the courts of this State for the recovery of wages, overtime, damages fees or penalties accruing under laws respecting the payment of wages and overtime, and specifically under the Act of Congress designated as the Fair Labor Standards Act of 1938 and similar laws.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 189. To amend Section 28 of the Alabama Motor Carrier Act of 1939.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 204. To amend Section 268, Title 55, 1940 Code of Alabama.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 257. To make an appropriation from the General Fund of the State treasury for matching Federal funds for the purpose of indemnifying owners of cattle which have been condemned or slaughtered, after having reacted to the test of tuberculosis, paratuberculosis, or Bangs Disease.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 297. To amend Section 182, Title 55, Code 1940.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 391. To increase the official duties of the State Superintendent of Education and to increase his salary.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 392. To validate an agreement heretofore made by the State Board of Education with federal authorities whereby part of the salary of the State Superintendent of Education may be paid from federal vocational funds; to validate payments heretofore made on his salary from state and federal funds; and to authorize the State Board of Education to enter into an agreement with federal authorities whereby part of the compensation of the State Superintendent of Education may be paid from federal funds.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 403. To amend Sections 890 and 891, Title 51, of the Code of Alabama of 1940.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 411. To amend Sections 1, 2 and 3 of an Act entitled an Act "To amend Sections 18, 19 and 20 of Title 32 of the Code of Alabama of 1940", approved May 13, 1943.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. 412. To amend Section 26 of Title 32 of the Code of Alabama of 1940.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

S. 144. To fix the salaries of the Justices and Judges of the Appellate Courts of the State of Alabama, and to provide for the payment thereof.

Delivered to the Governor June 30, 1943 at 5:05 P. M.

Also:

S. 266. To provide Funds for Salaries and Expenses of the Employees of the State Board of Adjustment.

Delivered to the Governor June 30, 1943, at 5:05 P. M.

Also:

S. J. R. 77. Relative to: The Senate the House of Representatives concurring, do hereby invite the Honorable Chauncey Sparks, Governor of Alabama, to visit and sit in both Houses of the Legislature of Alabama.

Delivered to the Governor June 30, 1943, at 5:05 P. M.



Also:

S. 420. To authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000, to levy and collect an excise tax on cigarettes, prescribe the rate thereof; to authorize the governing body of such counties to prescribe the method and provide for the collection of such tax, and to provide for the disposition of the revenues derived therefrom.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 225. To amend Section 8 Title 26 of the 1940 Code.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 224. To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities or other political sub-divisions of the State, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 238. To provide that the amount of \$10,011.02 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Lineville, Alabama, be paid to the Town of Lineville, Alabama.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 384. To provide that the amount of \$6,149.73 now remaining in the State Treasury to the credit of Secondary Agricultural Farm, Cuba, Alabama, be paid to the Town of Cuba, Alabama.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 85. To Amend Section 15 of Title 24 of the Code of Alabama of 1940.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 86. To Amend Section 17 of Title 24 of the Code of Alabama of 1940.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 223. To Amend Section 111 of Title 17 of the Code of Alabama of 1940.

Delivered to the Governor July 1, 1943 at 9:50 A.M.

Also:

S. 22. To promote the prevention and cure of cancer; to authorize the State Board of Health, in collaboration with the Committee on Cancer Control of the Medical Association of the State of Alabama, to establish a standard for the organization, equipment and conduct of cancer units or departments in general hospitals, or in private clinics in this State, and to conduct an educational campaign for cancer control; and to provide a plan for the care and treatment of indigent persons suffering from cancer.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 37. To amend Section 118 of Title 22 of the 1940 Code of Alabama, relating to public health.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 40. To provide for the examination of persons suspected of having a venereal disease or having been exposed to a venereal disease.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 42. To provide for the registration of foundlings and a foundling report.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 46. To amend Section 110 of Title 22 of the 1940 Code of Alabama.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 103. To empower guardians and trustees to invest the funds of their wards or of the beneficiaries of trusts in Life, Endowment, or Annuity Contracts, and to define the limitations of such power and the rights of the guardian or trustee with respect to the control of such investment.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 155. To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 206. To amend Sections 44 and 49 of Chapter 2 of Title 60 of Code of Alabama of 1940 establishing the office of state service commissioner, authorizing the position of assistant state service commissioner, the offices of state service field commissioners and other personnel of the commissioner's office, defining their duties, and fixing the compensation therefor.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 315. To amend Section 325, Title 15, Code of Alabama of 1940.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 381. To amend An Act known as House Bill No. 992 passed by the Legislature of Alabama and approved September 27, 1923, establishing an inferior court in precinct 3, Houston County, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct to be known as Court of Common Pleas of Dothan, Alabama; and providing that all process issued out of said court shall be served by the Sheriff of Houston County, Alabama, by adding thereto Section XVI.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 400. To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Three Thousand Four Hundred Fifty-one and thirty-four one hundredth Dollars.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 421. To repeal an Act entitled an Act "To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile County, the cost of which is now, or may hereafter be made, a charge upon said County", approved April 13, 1911.

Delivered to the Governor July 1, 1943 at 4:10 P.M.

Also:

S. 104. To repeal Sections 233 and 234 of Title 13 of the 1940 Code.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 142. To provide that the amount of \$68,256.58 remaining after the payment of expenses and costs of administration of House Bill No. 83, approved February 28, 1939, now in the State Treasury to the credit of the Use Tax Special Fund, be transferred to the General Fund.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 303. To appropriate the sum of \$100,000.00 to the Board of Managers of the Partlow State School for Mental Deficients and provide the manner of payment of same.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 318. To appropriate five thousand dollars out of the General Fund to the Attorney General in his capacity as Securities Commissioner of Alabama.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 376. To Amend Sections 11, 13, 15, 16, 19, 20 and 24 and to repeal Section 25 of Title 43 of the Code of Alabama of 1940, all having to do with limited partnerships.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 358. To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits, but within the police jurisdiction thereof.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 410. To authorize the Department of Corrections and Institutions and all other departments, agencies, boards, bureaus, and commissions of the State to contract with each other for the hire or lease of convicts, and to authorize such contracting departments, agencies, boards, bureaus and commissions of the State to expend the necessary funds for carrying out the provisions of such contracts.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 36. To amend Section 199 of Title 22 of the 1940 Code of Alabama relating to the care of patients with Tuberculosis.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 41. To amend Sections 19, 21, 22, 24, 25, 26, 27, 33, 34, 37, 38, 39, 40 and 42 of Title 22 of the 1940 Code of Alabama, all relating to public health.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 212. To Repeal Section 203 of Title 2 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 267. To amend Section 257 of Title 13 of the 1940 Code of Alabama.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 356. To provide for regulating the manufacture, baking, mixing, compounding, sale or offering for sale for human consumption of bread, flour, degerminated or bolted corn meal and grits as defined herein, and to require the enrichment of bread, flour, degerminated or bolted corn meal and grits by the addition of certain vitamins and minerals and to prescribe the methods of enrichment; authorizing the Alabama State Board of Agriculture, to change, or add to, the specifications for ingredients and amounts thereof; providing the method of enrichment; and authorizing the Alabama State Board of Agriculture to prescribe rules and regulations as prescribed herein to carry out the provisions of this Act; to authorize the Alabama State Board of Agriculture to determine the availability of the necessary ingredients; to define the terms

used herein; to fix active enforcement date; and to fix penalties for violation of same.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 357. To provide for and regulate the addition of vitamins to oleomargarine sold in the State of Alabama, and to fix the penalty for violation of the same.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 34. To amend Section 47 of Title 60 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 256. To amend Section 455, Title 2, Code 1940.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 324. To amend Sections 674 and 675 and 676 of Title 2 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 10:55 A.M.

Also:

S. 429. To amend Section 3 of an Act entitled "An Act to create the office of Road Supervisor for Henry County Alabama", approved November, 1932 (H-536) as amended by an Act of the Legislature approved September 9, 1935 (H-578) entitled "An Act to amend Sections 2, 3, and 5 of an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; (H-536) approved November 4, 1932'", as amended by an Act of the Legislature approved September 1, 1939, (H-567) entitled "An Act to amend an Act entitled, 'An Act to create the office of Road Supervisor for Henry County, Alabama; approved November, 1932'", so as to fix the salary of said Road Supervisor.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 431. To increase the duties of the county superintendent of education of Lawrence County and to provide additional compensation therefor.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 415. To amend Section 7 of Act No. 664 of the Acts of the Legislature of Alabama, entitled, "An Act to provide for the levy, assessment and collection of mileage taxes from motor carriers in the State of Alabama; to provide that all funds collected hereunder be paid into the State Treasury into the Motor Carrier Fund, and for the expenditure of said funds; and to require and provide for giving security to the State for such taxes and provide penalties for violation of this Act and to provide for reciprocity with other states", approved July 5, 1940.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 371. To create the Elementary Teacher's Scholarship Fund; to make annual appropriations to said Fund for each of the fiscal years ending September 30, 1944 and September 30, 1945; to provide for the distribution of such Fund to the State Teachers Colleges subject to the rules and regulations of the State of Education.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 414. To provide a memorial to perpetuate the memory of Richmond Pearson Hobson and for that purpose to create a public board and to appropriate for their use seven thousand dollars, and the further sum of fifteen hundred dollars annually for the purpose of maintaining said memorial.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 64. To provide for the blood testing for Syphilis of all persons residing in Alabama, and to appropriate not to exceed \$75,000. annually to carry out the terms of this Act.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 291. To authorize municipalities to adopt ordinances providing for the taking up and storing of abandoned and stolen personal property found within the corporate limits and outside the corporate limits but within the police jurisdiction of such cities and towns, and to authorize and regulate the sale of such property so taken up and stored, and the disposition of the proceeds of such sales.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 353. To provide for deduction from penitentiary and hard labor sentences for good conduct.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. J. R. 79. Relative to: Senate Bill 401 be known as the Cater-Sighter Bill.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 74. To amend Section 78 Title 8 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 127. To amend Section 21, Title 8, Code of Alabama 1940.

Delivered to the Governor July 2, 1943 at 4:30 P.M.

Also:

S. 71. To amend Title 8 Section 68 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 72. To repeal Section 62 Title 8 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 73. To amend Section 63, Title 8 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 121. To Amend Section 73 of Title 8 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.



Also:

S. 174. Concerning, and defining, and limiting liability for participation in breaches of fiduciary obligations, and to make uniform the law with reference thereto.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 274. To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment therefor.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 285. To appropriate \$20,000 for the purchase of certain real estate to be donated by the State of Alabama to the United States for a national cemetery and memorial; and to authorize, empower and direct the purchase and conveyance thereof.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 329. To create in all cities in the State of Alabama which have a population exceeding twenty-six thousand and not exceeding thirty-six thousand inhabitants according to the latest federal decennial census, or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled, sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the pen-

alty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board: to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind; to provide the time of taking effect of this Act.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 369. To regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower and herb seeds; To prevent misrepresentation thereof; to give the State Board of Agriculture and industries the authority to promulgate rules and regulations for the purpose of carrying out the provisions

of this Act; To repeal all laws in conflict with this Act; to make the violation of any of the provisions of this Act a misdemeanor and to prescribe the punishment therefor; and for other purposes—

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 405. To amend Section 27 of Title 17 of the Code of Alabama, 1940.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 419. To make an appropriation of One Thousand Dollars (\$1,000.00) or such part thereof as may be necessary to buy and install an iron fence around the granite monument at Horseshoe Bend on the Tallapoosa River in Tallapoosa County.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 427. To provide an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent Federal census.

Delivered to the Governor July 2, 1943 at 9:30 P.M.

Also:

S. 347. To amend Section 8, Title 60, Code of Alabama, 1940.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 135. To Repeal Sections 227, 228, 229, 230 and 231 of Title 8 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 363. To ratify and confirm expenditures heretofore made by the several counties and municipalities in the State of Alabama for the promotion of the sale of United States War Bonds and Stamps.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 426. To amend Section 55 of Title 47 of the Code of Alabama of 1940.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 254. To provide for the distribution by the State among the several counties of the State of proceeds derived from receipts from National Forests; to provide the purpose for which said proceeds may be used by the respective counties and to provide for the expenditure and the purpose for which expenditures may be made of all moneys now held by any county of this State which it received as proceeds from receipts from National Forests located therein from the State or Federal Government or any Department or agency thereof.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 307. To provide for the refunding of Revenue Bonds of municipal corporations issued pursuant to the "Municipal Revenue Bond Act of 1935" and to authorize municipal corporations to issue and negotiate new bonds on such terms as the governing body shall deem advisable for the purpose of providing for the payment of any such outstanding bonds, including any premiums necessary to redeem or retire such bonds.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 368. To regulate the sale of motor fuel and lubricating oils at retail for use and consumption in motor vehicles so as to require the posting of retail prices and prohibiting the selling of such products at prices other than those posted, and to fix penalties for the violations thereof.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 117. To make it unlawful to use or have in possession, for the purpose of taking salt water fish or seafoods or minnows or other baits, seines, trawls or other fishing devices of a size or with mesh of a size contrary to the rules and regulations of the Department of Conservation of the State of Alabama; to make it unlawful to use or have in possession any seine or net or other device for the taking of salt water fish or other seafoods with a lead line of a length of more than 500 fathoms except purse seines; to make possession of any illegal fishing tackle prima facie evidence that it is kept for purpose of an unlawful use and to provide a penalty for such illegal possession; to regulate commercial nets and seines used in salt water fishing and to require licenses and fees for the operation of the same; to regulate fishing operations and to require licenses and certain fees for various methods or ways of fishing or taking fish from the public

salt waters of the State and to provide for the disposition of the proceeds from the sale of said licenses and fees and to require reports to be made by various dealers in salt water fish and other seafood and to provide for the inspection of places where oysters, salt water fish or other seafoods are dumped, kept or stored; to provide that a violation of any of the provisions of this Act or rules and regulations based thereunder shall constitute a misdemeanor and for penalties or fines for violations of the Act; to repeal all laws or parts of laws, general, special or local, in conflict with the provisions of this Act.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 120. To permit commercial fishermen who are residents of other states to fish in the public salt waters of Alabama for fish, shrimp, crabs or oysters whenever the respective laws of such other states permit residents of Alabama to fish commercially in the public waters of such other states for fish, shrimp, crabs or oysters.

Delivered to the Governor July 2, 1943 at 10:45 P.M.

Also:

S. 272. To amend Section 267, Title 13, of the Code of Alabama (1940).

Delivered to the Governor July 2, 1943 at 10:45 P.M.

J. E. Speight,  
Secretary.

#### SECRETARY'S REPORT

The foregoing Report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Sixtieth Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Jim Smith, Jr.,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. Smith, the foregoing report was concurred in and the Journal of the Senate for the Sixtieth Day approved by the Senate.

## ADJOURNMENT SINE DIE

At 10:45 P. M., on motion of Mr. Carlton, the Senate adjourned Sine Die.

L. H. ELLIS,  
Lieutenant-Governor and President  
and Presiding Officer of the Senate.

Attest:  
J. E. SPEIGHT,  
Secretary of Senate.

## ROSTER OF THE SENATE OF ALABAMA

### REGULAR SESSION 1943

L. H. ELLIS, Lieutenant Governor.....	Columbiana
JAMES A. SIMPSON, President Pro-Tem .....	Birmingham
J. E. SPEIGHT, Secretary.....	Montgomery
T. L. AUSTIN, Assistant Secretary.....	Wetumpka
H. A. THOMPSON, Enrolling-Engrossing Clerk.....	Birmingham
J. G. WATKINS, Doorkeeper.....	Clayton
FIRST SENATORIAL DISTRICT: (Lauderdale and Limestone Counties) Orlan B. Hill.....	Florence
SECOND SENATORIAL DISTRICT: (Lawrence and Morgan Counties) Vernon L. St. John.....	Town Creek
THIRD SENATORIAL DISTRICT: (Blount, Cullman and Winston Counties) Finis E. St. John, Jr.....	Cullman
FOURTH SENATORIAL DISTRICT: (Madison County) Chas. E. Shaver.....	Huntsville
FIFTH SENATORIAL DISTRICT: (Jackson and Marshall Counties) J. B. Benson.....	Scottsboro
SIXTH SENATORIAL DISTRICT: (Etowah and St. Clair Counties) Sam High.....	Ashville
SEVENTH SENATORIAL DISTRICT: (Calhoun County) Elvin McCary.....	Anniston
EIGHTH SENATORIAL DISTRICT: (Talladega County) Richard B. Kelly, Jr.....	Sylacauga
NINTH SENATORIAL DISTRICT: (Chambers and Randolph Counties) Will O. Walton.....	Lafayette
TENTH SENATORIAL DISTRICT: (Elmore and Tallapoosa Counties) Lee Hornsby.....	Eclectic
ELEVENTH SENATORIAL DISTRICT: (Tuscaloosa County) Gordon Madison.....	Tuscaloosa
TWELFTH SENATORIAL DISTRICT: (Fayette, Lamar and Walker Counties) Reuben L. Newton.....	Jasper
THIRTEENTH SENATORIAL DISTRICT: (Jefferson County) Jas. A. Simpson.....	Birmingham
FOURTEENTH SENATORIAL DISTRICT: (Pickens and Sumter Counties) John H. Pinson.....	Geiger
FIFTEENTH SENATORIAL DISTRICT: (Autauga, Chilton and Shelby Counties) Geo. M. Taylor, Jr.....	Prattville
SIXTEENTH SENATORIAL DISTRICT: (Lowndes County) J. Monroe Black.....	Ft. Deposit

SEVENTEENTH SENATORIAL DISTRICT: (Butler, Conecuh and Covington Counties)	
Tully A. Goodwin	Floral
EIGHTEENTH SENATORIAL DISTRICT: (Bibb and Perry Counties)	
T. J. Jones	Marion
NINETEENTH SENATORIAL DISTRICT: (Choctaw, Clarke and Washington Counties)	
Gerald Bradford	Grove Hill
TWENTIETH SENATORIAL DISTRICT: (Marengo County)	
O. D. Carlton	Thomaston
TWENTY-FIRST SENATORIAL DISTRICT: (Baldwin, Escambia and Monroe Counties)	
W. W. Garrett	Uriah
TWENTY-SECOND SENATORIAL DISTRICT: (Wilcox County)	
J. Bruce Henderson	Miller's Ferry
TWENTY-THIRD SENATORIAL DISTRICT: (Dale and Geneva Counties)	
Douglas Brown	Ozark
TWENTY-FOURTH SENATORIAL DISTRICT: (Barbour County)	
Preston C. Clayton	Clayton
TWENTY-FIFTH SENATORIAL DISTRICT: (Coffee, Crenshaw and Pike Counties)	
M. N. Dodson	Troy
TWENTY-SIXTH SENATORIAL DISTRICT: (Bullock and Macon Counties)	
Lawrence K. Andrews	Union Springs
TWENTY-SEVENTH SENATORIAL DISTRICT: (Lee and Russell Counties)	
S. L. Toomer	Auburn
TWENTY-EIGHTH SENATORIAL DISTRICT: (Montgomery County)	
Silas D. Cater	Montgomery
TWENTY-NINTH SENATORIAL DISTRICT: (Cherokee and DeKalb Counties)	
Lem J. Cobb	Centre
THIRTIETH SENATORIAL DISTRICT: (Dallas County)	
John L. Sherrer	Plantersville
THIRTY-FIRST SENATORIAL DISTRICT: (Colbert, Franklin and Marion Counties)	
Jim Smith, Jr.	Tuscumbia
THIRTY-SECOND SENATORIAL DISTRICT: (Greene and Hale Counties)	
L. J. Lawson	Greensboro
THIRTY-THIRD SENATORIAL DISTRICT: (Mobile County)	
Vincent F. Kilborn	Mobile
THIRTY-FOURTH SENATORIAL DISTRICT: (Clay, Cleburne and Coose Counties)	
Chas. S. Bentley	Goodwater
THIRTY-FIFTH SENATORIAL DISTRICT: (Henry and Houston Counties)	
M. W. Espy	Headland



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- For State Defense Council and State Director of Civilian Defense. S. 27, page 28.
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- Repeal act approved October 27, 1932, concerning County Solicitor. S. 172, pages 106, 143, 175, 329, 333, 1172.

## CONSERVATION, DEPARTMENT OF—

- Giving same full jurisdiction and control over all fresh water fishes in waters of Alabama and authority to make and enforce laws. S. 123, pages 48, 152, 301, 481.
- Providing for deposition of fiends from Game, Fish and Seafoods Laws. S. 124, pages 49, 582, 933.

## CONSTITUTIONAL AMENDMENT—

- Poll tax exemptions to those in different branches of the Service. S. 9, page 24.
- To amend Section 194½ of exempting military men from Poll Tax. S. 31, page 29.
- To make education an essential function of State Government. S. 59, pages 34, 66, 124, 175, 317, 387, 429, 453.
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**CONSTITUTIONAL AMENDMENT—Continued**

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Regarding convention of Legislature. S. 167, pages 105, 777, 1002, 1064.

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Disqualifying social degenerates from voting, holding office, serving on juries, etc. S. 296, page 511.

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**CONVICTS—**

Authorizing the hire of same by Department of State by contracting with Department of Corrections and Institutions. S. 410, pages 1089, 1216, 1361, 1587, 1596, 1693.

**CORONERS—**

Relative to qualifications, duties, compensation, etc., in counties having more than 30,000 inhabitants. S. 416, pages 1191, 1388.

**CORONER, ASSISTANT—**

Provide for same in counties (Mobile), 140,000 and not more than 300,000. S. 427, pages 1372, 1416, 1484, 1636, 1674, 1699.

**CORRECTIONS AND INSTITUTIONS, DEPARTMENT OF—**

To contract with other Departments for hire of convicts. S. 410, pages 1089, 1216, 1361, 1587, 1596, 1693.

**COUNTIES—**

Authorizing same to pay for fuel used by sheriffs in preparing meals for prisoners. S. 277, pages 469, 773.

**COUNTY AID, BUREAU OF—**

Set up Bureau for purpose of aiding County roads from State Funds. S. 360, pages 711, 780, 1034, 1054, 1121, 1190.

**COUNTY BOARDS OF EQUALIZATION—**

Create same in counties of 140,000 and not more than 400,000 (Mobile). S. 430, pages 1375, 1415, 1482.

## COUNTY COMMISSIONERS, COURTS OF—

To invest surplus funds. S. 28, page 28.

Providing additional duties and per diem for members thereof, in counties having population not less than 20,979 and not more than 21,910. S. 394, pages 987, 1049, 1145, 1190.

To expend county funds not exceeding \$1,000 per annum not otherwise provided for in counties or not over 140,000 inhabitants. S. 418, pages 1191, 1218, 1429, 1440.

On like governing bodies, to provide for term of 6 years for members of same. S. 425, page 1297.

## COUNTY GOVERNING BODIES—

To invest surplus funds. S. 28, page 28.

Authorizing same to refund warrants for construction of roads and bridges. S. 160, pages 103, 162, 322, 1284, 1314, 1684.

To authorize same to pay moral obligations against same incurred for public purposes, in counties of 140,000 and not more than 400,000. S. 422, pages 1212, 1280, 1358.

## COUNTY OFFICERS—

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## COUNTY BOARDS—

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## COURT OF APPEALS—

To fix salaries of judges. S. 144, pages 83, 578, 925, 1490, 1491, 1516, 1688.

## CREDIT UNIONS—

Further regulating supervision of. S. 115, pages 46, 162, 530.

Provide payment of expenses of examining Credit Unions. S. 221, pages 219, 236, 530.

## CRIMINAL COURTS—

Provide for continuance of cases where material witness is member of Armed Forces. S. 385, page 905.

## CUBA, ALABAMA

Providing \$6,149.73 to credit of Secondary Agricultural Farm to be paid to town of Cuba. S. 384, pages 905, 948, 1079, 1506, 1530, 1689.

## CULLMAN COUNTY—

Closing offices of governing bodies of county. S. 321, pages 607, 715, 801, 990, 1058, 1182.

Regarding sheriff, Amend Section 2, Act approved March 15, 1939. S. 195, pages 156, 187, 279, 400, 427, 1173.

Salary of Sheriff. S. 196, pages 157, 187, 280, 400, 427, 1173.

## DALLAS COUNTY—

Allow Court of County Revenue to expend funds exceeding \$12,000, etc. S. 182, pages 136, 160, 194, 873, 874, 914, 957, 1028, 1062, 1181, 1187.

Amend act, February 8, 1877, regarding county treasurer, and City National Bank at Selma. S. 183, pages 138, 160, 193, 400, 427, 1173.

Claim of H. Bennett Pickering. S. 184, pages 139, 160, 194, 400, 427, 1173.

Concerning salary of County Officers, Probate Judge, Tax Collector, etc. S. 185, pages 140, 160, 195, 873, 914, 1181.

## DIRECTOR OF CIVILIAN DEFENSE—

Compensation, power, duties; create local defense councils. S. 27, page 28.

## DEFENSE ACTIVITIES—

Authorize State of Alabama agencies to accept grants from U. S. S. 30, pages 29, 65, 123, 601, 605, 1175.

## DEFENSE COUNCIL DIRECTOR—

Organization, powers, duties. S. 27, page 28.

## DIVORCE SUITS—

Mode of proceeding, Code, Title 34, Section 23. S. 390, pages 938, 1213, 1405.

## DOTHAN, ALABAMA—

Portion of Morgan Street, declared to be not a public street. S. 293, pages 510, 547, 619.

To amend act approved March 15, 1939, creating the office of Clerk of Court of Common Pleas. S. 380, pages 902, 952, 1167, 1384, 1400, 1686.

Amending act approved September 27, 1923 establishing Court of Common Pleas. S. 381, pages 903, 952, 1380, 1549, 1567, 1691.

## EDUCATION—

Annual appropriation to Educational System for fiscal years ending September 30, 1944 and September 30, 1945. S. 19, page 26.

Annual appropriation for fiscal years ending September 30, 1944, and September 30, 1945, for support, maintenance, development, of all schools, agencies, services, and institutions. S. 20, page 26.

Making Public Education an essential function of Government. S. 59, pages 34, 66, 124, 175, 317, 387, 429.

Allocating proceeds of Sales Tax to public schools, constitutional amendment. S. 194, page 156.

## EDUCATION, BOARD OF—

To allow County Boards to invest surplus funds. S. 94, page 41.

## EDUCATION, SPECIAL INVESTMENT FUND—

Making an appropriation to. S. 150, page 84.

## EDUCATION, STATE BOARD—

Regarding agreement with Federal Authorities paying part of Superintendent of Education's salary. S. 392, pages 938, 1215, 1345, 1473, 1516, 1688.

## EDUCATION, STATE SUPERINTENDENT—

Increase duties and increase salary. S. 391, pages 938, 1215, 1346, 1473, 1516, 1687.

## EGGS—

Regulate sale of. S. 199, pages 184, 717, 1132.

Regulating sale of, giving authority to agriculture and industries to set rules for. S. 202, pages 195, 718, 1160.

## ELECTIONS—

Relating to statewide election concerning alcoholic beverages. S. 60, pages 34, 80, 1231.

## ELECTION OFFICIALS—

Regarding same attending schools of instructions. S. 224, pages 234, 301, 744, 1517, 1529, 1689.



**ELECTRICITY—**

Authorizing organizations for non-profit for acquiring and operating such facilities. S. 268, pages 440, 546, 659.

**ENRICHMENT ACT—**

Of breads, etc. S. 356, page 710, 779, 1030, 1580, 1597, 1693.

**ESPY, SENATOR M. W.—**

Elected member of War Emergency Council, page 1201.

**FAIR LABOR STANDARD ACT, 1938—**

Regarding time limit of bringing suits for recovery of wages, etc. S. 166, pages 105, 186, 739, 1497, 1515, 1687.

**FEDERAL FOOD, DRUG and COSMETIC ACT—**

Make food in state legal under same. S. 58, pages 34, 68.

**FEES, MATRICULATION—**

Abolish same in high schools with exemptions. S. 145, pages 83, 409, 522, 535.

**FELON—**

Appeals of same sentenced to death. S. 77, pages 38, 142, 225.

**FIDUCIARIES—**

Removal from office of same doing War Service. S. 95, pages 42, 296, 663.

**FIDUCIARY OBLIGATIONS—**

Concerning liability for participation in breach of same. S. 174, pages 108, 237, 550, 1636, 1674, 1697.

**FINANCE, DIRECTOR OF—**

Become corporation with Attorney General, Highway Director relative to Alabama State Bridge Corporations. S. 521, pages 32, 51, 74, 172, 182, 1170.

**FIREMEN AND POLICEMEN—**

Regarding salary. S. 186, pages 141, 296, 357.

**FIREMEN AND POLICEMEN'S PENSION FUND—**

Create same in cities with population between 26,000 and 36,000. S. 329, pages 638, 885, 1111, 1630, 1677, 1697.

**FISHING, COMMERCIAL—**

To permit those from other states to fish in Alabama waters if their states have respective laws. S. 120, pages 47, 80, 583, 960, 1645, 1676.

**FISHING DEVICES—**

To make it unlawful to have certain fishing devices for use in salt waters. S. 117, pages 46, 80, 583, 963, 1665, 1676, 1700.

**FISH, FRESH WATER—**

Control and jurisdiction of same to Department of Conservation. S. 123, pages 148, 152, 301, 481.

**FLOUR—**

To provide for enrichment of. S. 356, pages 710, 779, 1030, 1580, 1597, 1693.

**FOOD—**

Make legal subject to Federal Food, Drug and Cosmetic Act. S. 58, pages 34, 68.

**FOOD, DRUG, OR COSMETIC ACT—**

Making illegal sales in Alabama of same under Federal Act prohibiting movement in interstate commerce. S. 322, page 607.

**FORESTS, NATIONAL—**

Money from same distributed to State Treasury and counties. S. 132, pages 62, 145, 742.

**FORESTER, STATE—**

Authority regarding fire hazards. S. 133, page 63.

**FOUNDLINGS—**

Registration and report of. S. 42, pages 31, 239, 591, 1561, 1567, 1690.

**FRATERNITY, SORORITIES—**

Regulating same in high and elementary schools. S. 317, page 577.

**GAME, FISH AND SEAFOODS LAWS—**

Providing for disposition of funds from same. S. 124, pages 49, 582, 933.

**GARRETT, JOHN H.—**

Appointed President of Board of Revenue, Cherokee, County. page 1332.

**GASOLINE—**

To provide for excise tax when used for agricultural purposes. S. 352, page 691, 779, 1032.

House Joint Resolution 54—Requesting Congressional Delegation to use against extending Eastern seaboard rationing of to Alabama, page 771.

**GENERAL FUND—**

\$68,256.58 in use Tax Fund be transferred to. S. 142, pages 64, 187, 348, 1562, 1563, 1596, 1692.

**GOVERNOR'S MESSAGE—**

Relative to request for salary increases, page 701.

Appointing Emmett F. Hildreth member of State Board Pardon and Paroles, page 467.

Appointing Board of Trustees of Alabama Polytechnic Institute, page 117.

Appointing Board of Agriculture and Industries, page 117.

Appointing Alcoholic Beverages Control Board, page 116.

Returning Senate Joint Resolution No. 13—with reference to Senate Bill 51 and House Bill 124, Both bills.

**GUARDIANS AND TRUSTEES—**

Allow same to invest funds of wards, etc. S. 103, pages 44, 143, 320, 1532, 1567, 1690.

**HALE COUNTY—**

County War Savings Staff. S. 239, pages 333, 368, 435, 535, 566, 1174.

**HALEY, PAUL S.—**

Appointed Trustee of Alabama Polytechnic Institute.

**HENRY, ROBERT F.—**

Relief of for \$596.30. S. 207, pages 204, 446, 661, 1111, 1140, 1187.

**HENRY COUNTY—**

Amend Section 3 of Act approved November 1932, as amended by act approved September 9, 1935, as amended by act approved September 1, 1939, fixing salary of Board Supervisor of. S. 429, pages 1374, 1415, 1482, 1598, 1638, 1694.

## HIGHWAY DEPARTMENT, ALABAMA STATE—

Have authority to acquire land for aeronautical purposes. S. 66, pages 36, 301, 551.

## HIGHWAY DIRECTOR—

Become corporation with Director of Finance, Attorney General—relative to Alabama State Bridge Corporation. S. 52, pages 32, 51, 74, 172, 182, 1170.

## HIGH SCHOOL SORORITIES AND FRATERNITIES—

To prohibit same. S. 317, page 577.

## HILDRETH, EMMETT F.—

Appointed member State Board Pardons and Paroles, page 467.

## HILL, SENATOR ORLAN B.—

Elected member of War Board Emergency Council, page 1201.

## HOBSON, RICHMOND PEARSON—

Memorial for same. S. 414, pages 1159, 1216, 1408, 1619, 1639, 1695.

## HOLT, LE ROY—

Appointed member of Board of Agriculture and Industries, page 117.

## HOMESTEADS—

Exempt from ad valorem taxes. S. 233, pages 295, 580, 756.

## HORSESHOE BEND, MONUMENT—

Appropriate \$1,000 for iron fence around same. S. 419, pages 1191, 1216, 1355, 1641, 1674, 1699.

## HOSPITAL BOARD, CHAIRMAN—

Make reports monthly to Board of Revenue in counties of 64,000 and not more than 66,000 inhabitants.

## HOTELS—

To amend Section 15 of Title 24 of the code, pertaining to. S. 85, pages 38, 235, 324, 1524, 1530, 1689.

Amend Section 17, Title 24 of the code, pertaining to. S. 86, pages 39, 235, 325, 1524, 1530, 1689.

## HUNTING—

Penalty for use of 22 caliber rifle. S. 75, page 37.

## INDEBTEDNESS, EVIDENCES OF—

Provide regulations for same by state governing bodies. S. 218, page 218.

## INCOME TAX—

Appropriate from same to health, welfare, old age, etc., Constitutional Amendment. S. 168, page 105.

## INCOME TAX SURPLUS—

Set up Surplus Income Tax Fund in State Treasury. S. 234, pages 295, 580, 756, 1256, 1268.

## INDUSTRIAL RELATIONS, DEPARTMENT OF—

Regarding Board of Appeals for same, Code amended Section 8, Title 26. S. 225, pages 234, 446, 529, 1504, 1530, 1689.

## INSURANCE—

Supervision and regulation of companies. S. 130, page 62.

Providing for attorney's fee to beneficiary where judgment is rendered. S. 284, pages 508, 872.

**INSURANCE COMPANIES, DOMESTIC—**

Provide for payment of charges and expenses of examining same. S. 242, pages 365, 447, 918.

Regulating companies doing business in Incorporated Municipalities. S. 362, pages 711, 1044, 1167.

**INSURERS—**

Provide for rehabilitation, reorganization, liquidation of same doing business in more than one state. S. 106, pages 45, 448, 1378.

**INSURANCE, FIRE—**

Authorize same to use standard fire insurance policy in state. S. 107, page 45.

Requiring examination of property by agent and description to be made. S. 282, pages 507, 775.

Regarding suits in court, against policies. S. 283, pages 508, 872.

Requiring companies to refund difference in amount paid and amount stated on policy. S. 370, pages 837, 950.

**INSURANCE, GROUP LIFE—**

Empower state, county, etc., groups to participate in group life insurance and group hospital insurance. S. 213, pages 209, 447, 556, 765, 767, 1181.

**INSURANCE, LIFE—**

Allowing guardians, etc., to invest funds in. S. 103, pages 44, 143, 320, 1532, 1567, 1690.

**INSURANCE, SUPERINTENDENT—**

Authorize same to use standard fire insurance policy in state. S. 107, page 45.

**JACKSON COUNTY—**

An additional deputy sheriff for said county. S. 313, pages 575, 608, 706, 990, 1058, 1182.

**JAPANESE ALIENS—**

Prohibiting same from owning property in state. S. 262, page 408.

**JENNINGS, R. N.—**

Appointed member of Board of Agriculture and Industries, page 117.

**JOHNSON, JIM, JR.—**

Appointed member of Board of Agriculture and Industries, page 117.

**JOHNSON, MRS. AVERY—**

Relief of. S. 340, pages 673, 712, 797, 992, 1061, 1185.

**JONES, GOVERNOR THOMAS G.—**

House Joint Resolution 445—accepting memorial to. pages 595, 695, 735.

**JUDICIAL CIRCUITS—**

Dividing the State into same and providing for Judges. S. 241, pages 334, 883.

**JUDICIAL CIRCUIT—**

Creating additional judge for the Fourth. S. 137, pages 63, 142, 226, 494, 506, 619, 627, 1175.

**JURY DUTY—**

Summons for by registered mail, by sheriff. S. 345, pages 680, 871, 1162.

**JURY SERVICE—**

Keeping in secrecy of names drawn for same in Circuit Courts and Inferior Courts. S. 191, pages 155, 642, 980.

**KELLY, RICHARD B., JR.—**

Certificate of Election to Senate, page 199.

Oath of office, page 200.

Appointed member Finance and Taxation Committee, page 422.

**LABOR—**

Relating to employers and employees, labor organizations, strikes, etc. S. 255, pages 405, 411.

**LABOR, STATE DEPARTMENT OF—**

Creating Department and relation of employees and employers. S. 341, pages 674, 698, 871, 1066, 1271, 1294, 1683.

**LANDS, SALE OF—**

Allowing registers of Circuit Courts to re-open biddings on. S. 280, pages 507, 642, 981.

**LAUDERDALE COUNTY—**

Additional Deputy Sheriff. S. 128, pages 60, 144, 176, 311, 315, 1172.

**LAWRENCE COUNTY—**

Relative to County Superintendent of education. S. 431, pages 1375, 1416, 1509, 1598, 1638, 1694.

**LEE, A. C.—**

Appointed Alcoholic Beverage Control Board, page 116.

**LEGISLATURE—**

Construction amended regarding convening of Legislature. S. 167, pages 105, 777, 1002, 1064.

Fix number of Representatives. S. 220, page 218.

Fixing time of meeting. S. 398, pages 988, 1213, 1402.

**LEWIS, JOHN L.—**

Denouncing unpatriotic action of, House Joint Resolution 46, page 602.

**LICENSES—**

Code amended Section 852, Title 5, exemption of disabled veterans from payment of certain licenses. S. 33, pages 30, 65, 120, 185, 396.

Allow cities and towns to collect same on businesses within police jurisdiction. S. 358, pages 711, 780, 923, 1569, 1596, 1692.

Hunting and fishing, to permit those in military service to secure same as residents of Alabama. S. 108, page 45.

Motor vehicle, revocation of same for conviction of offense. S. 276, page 468.

**LINEVILLE SCHOOL BUILDING—**

Pay for same by state. S. 238, pages 333, 948, 1055, 1506, 1530, 1689.

**LIVE STOCK—**

To provide for mortgaging and conveying legal title of live stock, poultry, farming tools, etc. S. 69, page 36.

**LOBBYISTS—**

Requiring registration of same. S. 395, pages 987, 1377, 1444.

**LUSK, JOHN A.—**

Appointed member Board of Agriculture and Industries, page 117.

**MADISON COUNTY—**

Establish Interior Court, amend Section 15 of act approved April 4, 1911, amended by act March 2, 1931, and January 8, 1937. S. 232, pages 293, 335, 392, 506, 534, 1174.

Allowing two additional Deputy Sheriffs. S. 263, pages 406, 448, 498, 631, 636, 1177.

**MADISON, SENATOR GORDEN—**

Vote for as member of War Emergency Council, page 1201

**MATRICULATION FEES—**

Abolition of all such fees in High Schools; repeal Title 52, Section 437, Code 1940. S. 157, page 85.

**MCGOWIN, W. M.—**

Appointed member of Board of Agriculture and Industries, page 117.

**MENTAL HYGIENE CLINIC—**

Maintenance and establishment. S. 302, page 539.

**MENTAL HYGIENE BUILDING—**

Making appropriation for same out of State Treasury (\$130,000.00). S. 305, page 540.

**MEDICAL SCHOOL—**

Create four-year Medical School in state. S. 35, pages 30, 68, 186, 191, 229, 282, 292, 505, 1173.

**MEDICAL TECHNICIANS—**

Code Title 46, Sections 151, 152, 158, 159, 160, 164, 166.

**MERCHANDISE, FROZEN STOCKS—**

Of merchandise which are affected by Office of Price Administration exempt from ad valorem tax. S. 156, pages 85, 299, 480, 501, 1334, 1371, 1685.

**MILITARY SERVICE—**

Providing for Power of Attorney for persons engaged in. S. 96, pages 42, 296, 898.

Permitting same to secure State Hunting and Fishing Licenses. S. 108, page 45.

**MINES—**

Providing for both houses for. S. 346, page 681.

**MISCEGENATION—**

Prohibit proposals of same. S. 251, page 366.

**MOBILE COUNTY—**

Additional duties of Clerk of Circuit Court. S. 91, pages 39, 144, 177, 311, 314, 1171.

Repeal Act approved April 13, 1911, relative to purchase of supplies for officers of said county. S. 421, pages 1212, 1359, 1562, 1568, 1692.

Regulate drawing of Warrants on Treasury of said county. S. 432, pages 1412, 1466.

**MOBILE (CITY)—**

Alter and rearrange city of Mobile. S. 308, pages 540, 580, 623.

**MONTGOMERY, CITY—**

Relief of city of Montgomery for paving streets abutting state property.  
S. 400, pages 1039, 1089, 1240, 1561, 1568, 1691.

**MONTGOMERY COUNTY—**

Salary of Tax Collector. S. 270, page 441.

Salary of Judge of Probate. S. 271, page 443.

To fix salary of Judge of Probate. S. 278, pages 469, 513, 560, 630, 636, 1178.

To fix salary of Tax Collector. S. 279, pages 471, 513, 561, 630, 636, 1178.

To amend an act creating Inferior Court of Court of Common Pleas approved March 15, 1939. S. 331, pages 639, 692, 792, 991, 1058, 1183.

Fix salary of Clerk of Court of Common Pleas. S. 332, pages 641, 692, 793, 992, 1059, 1183.

Regarding Coroner, duties and compensation. S. 399, pages 1038, 1089, 1241, 1351, 1372, 1686.

Regarding pension for employees of County. S. 401, pages 1040, 1090, 1241, 1350, 1372, 1686.

**MORGAN COUNTY—**

Appropriate \$5,080.00 for water main to Tuberculosis Sanatorium. S. 383, pages 905, 949, 1144, 1287, 1315, 1684.

**MORRISON, J. L.—**

Appointed member of Board of Agriculture and Industries, page 117.

**MORTGAGES—**

Providing for Conveying Legal Title of Livestock, poultry, farming tools, machinery, etc. S. 69, page 36.

**MOTOR VEHICLE ACCIDENT—**

Leaving scene of, report and penalties. S. 10, page 25.

Providing for persons involved to stop and render aid to injured. S. 274, pages 468, 582, 960, 1615, 1674, 1697.

Requiring report of same. S. 275, page 468.

**MOTOR VEHICLE, ADVISORY BOARD—**

Create and provide for same. S. 197, pages 158, 180.

**MOTOR VEHICLE, COMMISSIONER OF—**

Create and provide for same. S. 197, pages 158, 180.

**MOTOR VEHICLES, OPERATORS OF—**

Revocation of licenses when convicted of offense. S. 276, pages 468.

**MOTION PICTURES, THEATRES—**

Regarding license taxes charged same by municipalities. S. 323, page 608.

**MOTOR FUEL AND LUBRICATING OILS—**

Posting of prices. S. 368, pages 770, 1417, 1481, 1671, 1679, 1700.

**MUNICIPALITIES—**

Allowing same to advance funds to non-profit corporation for electricity and related services. S. 269, pages 441, 546, 659, 785.

Authorizing same to store stolen and abandoned property within police jurisdiction of. S. 291, pages 510, 545, 959, 1622, 1639, 1695.

Regarding license taxes for motion pictures shows and theatres. S. 323, page 608.

**MUNICIPAL FUNDS—**

Invest same in U. S. Securities. S. 243, page 365.

**MUNICIPAL REVENUE BONDS—**

Refunding of same and authorize municipal corporations to issue and negotiate new bonds. S. 307, pages 540, 1045, 1169, 1671, 1678, 1700.

**NATIONAL CEMETERY—**

Appropriate \$20,000.00 for same to be donated to United States. S. 285, pages 508, 578, 925, 1641, 1674, 1697.

**NATIONAL FORESTS—**

Allowing counties to receive proceeds derived from same. S. 254, pages 404, 544, 922, 1671, 1677, 1700.

**NEGOTIABLE INSTRUMENTS LAW—**

Code amended, Section 13, Title 39. S. 170, pages 106, 163, 870, 1142.

**NOTARIES PUBLIC—**

To be appointed for the State at large by Governor. S. 155, pages 85, 142, 319, 1562, 1567, 1691.

To provide for the appointment of for the State at large. S. 109, page 46.

**OLEOMARGINE—**

Relating to addition of vitamins to same. S. 357, pages 711, 779, 1032, 1580, 1597, 1694.

**PARTLOW STATE SCHOOL—**

Maintenance, repair, etc. S. 301, page 539.

On appropriating \$100,000.00 for same. S. 303, pages 539, 773, 997, 1587, 1596, 1692.

**PENITENTIARY AND HARD LABOR—**

Sentences deducted for good conduct. S. 353, pages 691, 712, 985, 1622, 1639, 1696.

**PENSIONS—**

Old age assistance in counties from Income Tax Surplus. S. 169, pages 106, 458.

**PER DIEM, STATE EMPLOYEES—**

Statement of Expenses filed with comptroller before warrant issued. S. 89, pages 39, 408, 916.

Limitation of Per Diem Expenses, amend code Section 154, Title 41. S. 87, pages 39, 408, 559, 1159.

**PERRY COUNTY—**

For relief of Mrs. Avery Johnson. S. 340, pages 673, 712, 797, 992, 1061, 1185.

**PESTS—**

To provide for control of use of poisons and gases harmful to human beings. S. 45, pages 32, 240, 569.

**PUBLIC HEALTH—**

Amend Sections 95, 96, and 278, Title 22. S. 39, pages 31, 239, 726, 768.

**PUBLIC SAFETY, DEPARTMENT OF—**

To establish and operate a pension program for employees. S. 187, page 154.

**PUBLIC SAFETY, DIRECTOR OF—**

To authorize employing civilian guards for Highways and Bridges, etc, belonging to state. S. 231, pages 293, 578, 741.



## PICKERING, H. BENNETT—

Pay claim of by Court of County Revenue of Dallas County. S. 184, pages 139, 160, 194, 400, 427, 1173.

## PIEDMONT AREA EXPERIMENT STATION—

Establishing same. S. 76, pages 37, 53, 67, 357.

## PILL, HOWARD E.—

Appointed member actuarial commission, page 1468.

## PINSON, SENATOR JOHN H.—

Appointed member of Rules Commission, page 149.

## POISONS AND GASES—

For destruction of insects and other pests. S. 45, pages 32, 240, 569.

## POLLS—

Relating to hours same must be open, code amended Section III, Title 17. S. 223, pages 234, 300, 743, 1524, 1530, 1690.

## POLL TAX—

Constitutional amendment, those in military service exempt from. S. 9, page 24.

Exemption of those in armed service; exemption of those having served aggregate of 21 years. S. 62, page 35.

Exemption of same by those in armed forces, constitutional amendment. S. 161, page 104.

Exemption of those in armed forces, constitutional amendment. S. 205, pages 203, 543, 705.

Exemption from same for those in armed forces, S. 222, page 219.

## POWER OF ATTORNEY—

To provide for same for persons in military service and certain civilians. S. 96, pages 42, 296, 898.

Protecting persons under same, acting for persons in armed forces, etc. S. 173, pages 107, 161, 326, 628, 635, 1176.

## PROBATE CLERKS—

Fix salary where there are two court houses. S. 386, pages 938, 1046, 1209.

## PROSTITUTION—

Prohibiting same, etc. S. 355, pages 710, 1303.

## POULTRY INSPECTION NATIONAL PLAN—

Providing for Department of Agriculture and Industries to conduct program in accordance with same. S. 201, pages 185, 717, 1152.

## RAY, DR. E. C.—

Appointed Alcoholic Beverage Control Board, page 116.

## REAPPORTIONMENT—

Prescribing number in Senate, Constitutional Amendment. S. 209, pages 206, 1215.

For House of Representatives, S. 220, page 218.

## REDD, MOODY—

Appointed member Actuarial Commission, page 1468.

## REYNOLDS, WALKER—

Appointed Trustee of Alabama Polytechnic Institute, page 118.

**ROADS AND BRIDGES—**

To provide for public corporation, its powers and duties. S. 18, pages 26, 87, 125, 224, 565, 572, 1174.

**ROLL CALL, ELECTRIC—**

For House and Senate, \$100,000.00 appropriation. S. 404.

**RULES—**

Senator St. John of Cullman County to postpone further consideration to suspend Rule 24, page 100.

Notice by Mr. St. John of Cullman County to amend Rule 42, page 328.

Motion by Mr. St. John of Cullman County to amend Rule 42, pages 345, 346

Motion by Mr. Walton to modify or amend Rule 22; motion to postpone notice to amend until 22nd day, pages 388, 421.

Notice given to amend Rule 22, pages 897, 916, 957.

**ST. JOHN, VERNON L.—**

Appointed member of Actuarial Survey Committee, page 1421.

**SAVINGS AND LOAN ASSOCIATIONS—**

Provide conservatorship and receivership of same, amend code, Title 5, Section 249, 1940. S. 140, pages 64, 162, 530.

**SALT WATER FISHING—**

To make it unlawful to have certain fishing devices for use in. S. 117, pages 46, 80, 583, 963, 1665, 1676, 1700.

**SCHOOLS, HIGH—**

To abolish matriculation fees in high schools with exemptions. S. 145, pages 83, 409, 522, 535.

Teaching of spelling and arithmetic provided for. S. 378, pages 884, 1146, 1160, 1169, 1209, 1268, 1271, 1294, 1442.

**SECONDARY AGRICULTURAL FARM—**

Amount to credit of be paid to Cuba. S. 384, pages 905, 948, 1079, 1506, 1530, 1689.

**SECONDARY AGRICULTURAL FARM, LINEVILLE—**

\$10,011.02 remaining in State Treasury to the credit of, be paid to the town of Lineville, Alabama. S. 238, pages 333, 948, 1055, 1506, 1530, 1689.

**SECONDARY AGRICULTURE SCHOOLS—**

Providing for sales of property, etc. S. 382, page 905.

**SECURITY COMMISSIONER—**

Transfer offices from Attorney General to Director of Department of Commerce. S. 214, pages 209, 240, 569.

**SEEDS—**

Labeling, sales, etc., of same. S. 369, pages 770, 950, 1165, 1641, 1674, 1698.

**SESSIONS, TRAM—**

Appointed member Actuarial Commission, page 1468.

**SHERIFFS—**

Same may serve notice by registered mail for jury duty, etc. S. 190, page 155.

Summons for jury duty may be served by registered mail. S. 345, pages 680, 871, 1162.

**SIMON, HARRY—**

For the relief of. S. 114, pages 46, 67, 130, 328, 332, 939, 1172.

**SIMPSON, SENATOR JAMES A.—**

Elected member of War Emergency Council, page 1201.

**SORORITIES, FRATERNITIES—**

Regulating same in high and elementary schools. S. 317, page 577.

**STATE AGENCIES, ETC.—**

To invest surplus funds in bonds. S. 215, pages 210, 297, 899, 934.

**STATE BOARD OF ADJUSTMENT—**

To provide funds for salaries and expense of employees. S. 266, pages 440, 579, 931, 1504, 1516, 1688.

**STATE EMPLOYEES—**

Regarding restoration of status of same in armed forces. S. 181, pages 136, 336, 738.

**STATE GOVERNING BODIES—**

Empower same to participate in group insurance. S. 213, pages 209, 447, 556, 765, 767, 1181.

**STATE HEALTH OFFICER—**

Election, duties, and powers, amend code, Section 9, Title 22. S. 38, pages 31, 68, 578, 932, 1473, 1515, 1687.

**STATE PLANNING BOARD—**

Create, appropriate, authorize. S. 2, pages 24, 473, 897.

**STATE SERVICE COMMISSIONER—**

Establish office of same and assistants. S. 206, pages 204, 370, 558, 1562, 1567, 1691.

**STATE TEACHERS COLLEGE—**

Be known as Julia Tutwiler State Teachers College. S. 162, page 104.

**STATISTICS—REGISTRAR OF VITAL—**

To prohibit indiscriminate disclosure of birth and death certificates filed with. S. 44, pages 31, 239, 591, 592, 626, 699.

**STERILIZATION—**

Of mentally diseased, insane, etc. S. 70, pages 36, 80, 781, 1114.

**STOLEN PROPERTY—**

Allowing municipalities to take up and store stolen and abandoned property within police jurisdiction. S. 291, pages 510, 545, 959, 1622, 1639, 1695.

**SUPREME COURT, OPINION OF—**

Relative to Senate Bill 330.

Relative to amending sections of Title 62 of the code, page 569.

Relative to House Bill 66, page 588.

**SUBPOENAS—**

Served by officers by registered mail. S. 190, page 155.

**SYPHILIS—**

Blood testing. S. 64, pages 35, 68, 299, 551, 1622, 1639, 1695.

**TAXES—**

Levying additional license or sales tax on subjects or transactions, Chapter 1, Title 51, Code 1940, Constitutional amendment. S. 226, page 234.

**TAX, AD VALOREM—**

To provide for relief of frozen stocks of merchandise affected by Office of Price Administration, exempt from. S. 156, pages 85, 299, 480, 501, 1334, 1371, 1685.

**TAX ASSESSORS—**

Fix term of office and provide for election. S. 163, pages 104, 186, 349, 569, 573, 1175.

**TAX COLLECTORS—**

Fix term of office and provide for election. S. 164, pages 105, 186, 349, 569, 573, 1175.

**TAX, EXCISE—**

Constitutional amendment; relating to gasoline or motor fuel. S. 129, page 61.

Refund on same when gasoline is used for agricultural purposes. S. 352, pages 691, 779, 1032.

On cigarettes in counties (Mobile), 140,000 and not more than 400,000 inhabitants. S. 420, pages 1191, 1218, 1305, 1490, 1491, 1530, 1689.

**TAX, MILEAGE—**

Amend Section 7 of act July 5, 1940 relative to same. S. 415, pages 1159, 1216, 1421, 1604, 1639, 1695.

**TAX, SALES—**

To exempt sale of agricultural publications published in Alabama from. S. 14, pages 25, 185, 395, 989, 1058, 1182.

**TEACHERS, ELEMENTARY SCHOLARSHIP FUND—**

Create same. S. 371, pages 837, 949, 1130, 1601, 1639, 1695.

**TEMPERANCE—**

Regulate advertising of alcoholic beverages, etc. S. 193, pages 155, 1231.

**TEXTBOOK COMMITTEE—**

To create same for state. S. 364, page 747.

**THEATRES—**

Regarding license taxes charged same. S. 178, page 108.

**TOOMEY, JOHN E.—**

Appointed to Alcoholic Beverage Control Board, page 116.

**TRAINS—**

Relating to sounding of whistles in cities of 200,000 populations. S. 354, page 710.

**TRUCKS—**

Weight, height, loads, etc., code amended, Title 36, Art. 2, Section 89. S. 105, pages 45, 188, 349, 585, 586, 598, 875, 881, 915, 1182.

**TRUSTEES AND GUARDIANS—**

To allow same to invest funds of wards, etc. S. 103, pages 44, 143, 320, 1532, 1567, 1690.

**TRUSTEES, SCHOOL—**

Code, Section 100, Title 52. S. 230, page 293.

## TUSCALOOSA COUNTY—

Amending Section 3 of act approved March 31, 1936, as amended fixing salary of Circuit Court of. S. 334, pages 668, 714, 799, 993, 1059, 1183.

Fixing salary of Tax Assessor for County, amend Section 3, as amended of act approved June 12, 1935. S. 335, pages 669, 714, 800, 1127, 1140, 1188, 1191.

Amend Section 3 of act approved June 12, 1935, as amended fixing salary Tax Collector for. S. 336, pages 670, 713, 798, 993, 1060, 1184.

Amend Section 3 of act approved March 6, 1938, as amended, fixing salary of Judge of Probate for. S. 337, pages 671, 713, 798, 992, 1060, 1184.

Amend Section 17 of act approved September 25, 1915, as amended, establishing Board of Revenue for. S. 338, pages 672, 713, 797, 994, 1060, 1185.

Fines and forfeitures in Inferior Court of said county paid into general fund. S. 365, pages 769, 952, 1079, 1248, 1258, 1336, 1363, 1371, 1683, 1685.

## UPPER COASTAL PLAINS AREA—

Creating and maintenance of sub agricultural experiment station. S. 299, pages 511, 774, 1378.

## USE TAX—

\$68,256.58 in use tax fund be transferred to general fund. S. 142, pages 64, 187, 348, 1562, 1563, 1596, 1692.

## UNITED STATES GOVERNMENT BONDS—

Purchase of same from funds held in trust for Refunding Bonds. S. 330, pages 639, 643, 691, 786, 983, 1244, 1258, 1683.

## UNITED STATES GOVERNMENT, SECURITIES—

Invest surplus municipal funds in. S. 243, page 365.

## UNITED STATES BONDS AND STAMPS—

Authorize counties and municipalities to appropriate money for promotion of sale of same. S. 261, pages 405, 780, 1035, 1349, 1371, 1685.

## VENERAL DISEASE—

To provide for examination of persons suspected and patients. S. 40, pages 31, 66, 175, 195, 1561, 1567, 1690.

## VITAL STATISTICS, REGISTRAR OF—

To provide for filing and recording of birth certificates with. S. 97, page 42.

To provide for the filing of Copy of Established Facts of Birth, etc., with. S. 43, pages 31, 239, 601.

## WAGES—

Regarding bringing suit for recovery of same under Fair Labor Standard Act 1938. S. 166, pages 105, 186, 739, 1497, 1515, 1687.

## WALTON, SENATOR WILL O.—

Vote for as member of War Emergency Council, page 1201.

## WALTON, WILL O., SENATOR—

Appointed member Actuarial Survey Commission, page 1421.

## WAR EMERGENCY COUNCIL—

To create, define its powers and duties, fix compensation and appropriate funds for its operation. S. 92, page 40.

Election of members of, page 1201.

**WAR BONDS AND STAMPS—**

Ratify expenditures made by several counties and municipalities in promotion and sale of same. S. 363, pages 747, 780, 1033, 1671, 1679, 1699.

**WARRANTS—**

Authorize governing bodies of counties to refund principal and interest on warrants outstanding May 1, 1943, relating to roads and bridges. S. 160, pages 103, 162, 322, 1284, 1314, 1684.

**WAR SERVICE—**

For removal of fiduciaries engaged in. S. 95, pages 42, 296, 663.

**WILCOX COUNTY—**

Abolish 2½ mill tax. S. 342, pages 675, 712, 796.

Refunding and amortization of obligations. S. 343, pages 676, 712, 796, 1296, 1335, 1685.

**WILLS—**

Probate and record of same, code Title 61, Section 46, amended. S. 289, pages 509, 1214, 1422.

**WITNESSES—**

Provide for continuance cases in Criminal Courts where witness is member of armed forces. S. 385, page 905.

**HOUSE BILLS****ALCOHOLIC BEVERAGE CONTROL BOARD—**

Provide for the use of profits from taxes on liquors. H. 313, pages 611, 772, 1156, 1198, 1236.

**ACTS AMENDED—**

Amending Section 6 and 7 of an act approved February 21, 1893, to incorporate Tuskegee Normal and Industrial Institute. H. 2, pages 738, 785, 948, 1206, 1235.

Sections 1, 2, and 3, page 266, 1931 acts amended by Acts of Alabama Special Session 1933, pages 98 and 99. H. 96, page 102.

Section 3, Sheriff Mobile County. H. 105, pages 93, 475, 563, 574.

To amend Sections 1 and 2 approved September 9, 1935 of an act, to amend Sections 1 and 2 of an act approved July 17, 1931 concerning sheriff and deputy sheriff of Tallapoosa County. H. 161, pages 165, 188, 281, 291.

Amend Section 1 of an act to abolish office of Coroner in Calhoun County. H. 213, pages 247, 1193, 1352, 1389.

Amend Section 4 as amended by Local Act approved September 12, 1939, of a Local Act, to establish an Inferior Court of Macon County. H. 221, pages 275, 581, 625.

Sections 2, 3, and 5, approved September 15, 1939, fixing compensation of Tax Collector of Morgan County. H. 347, pages 269, 369, 431, 456.

Sections 2, 3, and 5, became a law September 15, 1939, being act No. 361, Regular Session of 1939 (Local Acts, 1939, page 248). H. 349, pages 273, 369, 430, 457.

Section 15, approved February 1, 1937. H. 381, pages 342, 368, 432, 457.

Section 1, act approved July 21, 1927, to allow sheriff of Winston County an additional deputy sheriff. H. 383, page 372.

## ACTS AMENDED—Continued

- Section 13, approved March 9, 1939, act No. 129, of Regular Session of 1939 (Local Acts, 1939, page 70, et seq.). H. 387, pages 384, 410, 497, 505.
- Amend Section 3 of an act approved March 29, 1933, concerning election of a county superintendent of Education for Bibb County. H. 497, page 841.
- Amend Section 12 of an act approved November 3, 1932, to create and establish an Inferior Court of Criminal and Civil Jurisdiction. H. 548, pages 648, 1197, 1253, 1274.
- Sections 2, 7, 10, 11, 13, 14, 25, 26, and 27, approved Sept. 7, 1935, to establish an Inferior Court of Record to be called the Intermediate Civil Court of Birmingham. H. 580, pages 613, 1046, 1149, 1237.
- Amend Section 2 of an act approved August 15, 1935, to regulate the salary to be charged or received by tax collector of Mobile County. H. 586, pages 723, 783, 894, 954.
- To amend act approved February 24, 1937, to provide compensation for members of County Commissioners of Bibb County out of Gasoline Excise Tax. H. 613, pages 721, 783, 1240, 1274.
- To amend Section 1 of an act approved April 6, 1936, to prohibit furnishing of automobile to County Commissioner of Madison County for use in his duties. H. 616, pages 719, 784, 896, 955.
- To amend an act approved August 18, 1919, as amended by an act approved September 7, 1935, holding of Circuit Court in Jefferson County. H. 625, pages 718, 783, 893, 955.
- To amend an act approved August 24, 1939 by amending Sections 3, 6, 7, and 10, creating office of Road Supervisor for Cherokee County. H. 672, page 843.
- To amend an act that became a law under Section 125 of Constitution on August 22, 1939, by amending Sections 8, 11, and 12 creating Board of Revenue for Cherokee County. H. 673, page 852.
- To amend Section 1 of Local Act No. 120, approved June 27, 1927, fixing the salary of the Deputy Solicitor of Escambia County. H. 687, pages 866, 907, 1080, 1109.
- To amend Sections 2 and 3 of an act approved April 11, 1933, providing for election of a County Superintendent of Education for Chilton County. H. 688, pages 856, 908, 1081, 1109.
- To amend and re-enact General Act No. 502, approved September 29, 1923, as amended by act No. 574, approved September 19, 1939. H. 721, pages 909, 1196, 1252, 1275.
- To re-enact Act H. 573 approved September 19, 1939. H. 732, pages 939, 1194, 1248, 1303.
- To amend an act approved March 1, 1939, pertaining to Excise Tax imposed. H. 750, pages 1010, 1049, 1143, 1245.
- To amend Section 11 of an act approved March 9, 1939, creating Board of Revenue and Control of Morgan County. H. 754, pages 1098, 1195, 1250, 1277.
- To amend an act approved October 19, 1932, conferring additional powers on members of County Commissioners of Pike County. H. 777, pages 1101, 1193, 1241, 1278.
- To amend Section 4 of an act approved September 14, 1939, abolishing Board of Finance and Control of Cullman County. H. 815, pages 1309, 1320, 1457, 1496.
- To amend Section 4 of a local act approved September 25, 1939. H. 827, page 1396.

**ACTS REPEALED—**

- Approved September 21, 1939, surplus over \$1,150,000.00 of State Treasury to General Fund minus appropriations made from fund to minimum program fund. H. 4, pages 222, 298, 347, 362.
- Approved September 21, 1939, appropriating \$400,000.00 of surplus of General Fund to teachers retirement and state supported schools. H. 5, pages 221, 298, 347, 363.
- Act establishing courthouse at Phenix City, approved August 11, 1927. H. 123, pages 110, 159, 192, 202.
- Act approved June 27, 1927, providing for election of county Superintendent of Education in Dale County. H. 280, page 249.
- Teachers Retirement approved September 5, 1939. H. 543, pages 513, 548, 622, 695.
- To require Court of County Commissioners, County Treasurer, County Depository of Crenshaw County to set aside funds out of general fund to be paid to holders of warrants against said fund. H. 591, pages 644, 781, 893, 955.
- To repeal an act approved September 13, 1939, to establish the office of Road Engineer for Calhoun County. H. 610, page 647.
- Allowing Sheriff of Elmore County an additional deputy. H. 659, pages 753, 784, 895, 956.
- Repeal Section 11 of act approved August 24, 1939, creating office of Road Supervisor for Cherokee County. H. 672, page 843.
- To repeal an act approved March 8, 1933, to enlarge the duties more imposed on Board of County Commissioners of Colbert County. H. 676, pages 858, 906, 1082, 1108.
- To repeal an act approved September 5, 1939, creating a Highway Board for Winston County. H. 758, page 1008.
- To repeal an act to provide for increase in the salaries of firemen and policemen, by authority of General Act of Alabama of 1911 approved March 4, 1937. H. 831, pages 1383, 1415, 1484, 1514.
- To repeal an act approved April 12, 1936, as amended by an act approved February 5, 1937, relative to certain officers in Lawrence County increase in pay. H. 840, pages 1475, 1529, 1604.

**AERONAUTICS—**

- To set up state owned aeronautical facilities. H. 57, pages 169, 445, 557, 1210, 1235.

**AGRICULTURAL EXPERIMENT BRANCH—**

- Creation in Piedmont Area. H. 127, pages 168, 298, 348, 363.

**AIRPORTS—**

- To provide for the sale of airports and landing fields, owned by any city or town. H. 652, pages 1322, 1377, 1442, 1468.

**ALABAMA COLLEGE—**

- To appropriate \$15,896.00 for. H. 768, pages 1307, 1321, 1408, 1468.

**ALABAMA EMERGENCY FINANCE CORPORATION—**

- Create. H. 87 pages 394, 579, 887, 934, 953, 986, 1239.

**ALABAMA POLYTECHNIC INSTITUTE—**

- To appropriate \$100,000.00 to. H. 665, pages 1246, 1279, 1337, 1559, 1592.

**ALABAMA RELIEF ADMINISTRATION—**

- To appropriate all moneys drawn against Alabama Relief Administration to State Department of Public Welfare for public welfare purposes, which are unclaimed 6 months from passage of this act. H. 125, pages 75, 99, 446, 565, 574.



## ALABAMA SPECIAL EDUCATIONAL TRUST FUND—

Set up surplus account for same. H. 6, pages 230, 298, 348, 363.

## ALABAMA STATE BRIDGE CORPORATION—

Providing for a corporation to refund bonds of. H. 59, page 69.

## ALABAMA VOCATIONAL SCHOOL FOR GIRLS—

General Appropriation for. H. 48, pages 355, 771, 1292, 1302.

## ALBERTVILLE—

To create municipal Utilities Board of. H. 734, pages 1015, 1048, 1208, 1276.

## ANNISTON, ALABAMA—

To authorize the city of Anniston to sell and convey certain real estate located there. H. 838, pages 1480, 1528, 1605, 1623.

## APPROPRIATION—

Federal Savings and Loan Association. H. 297, pages 882, 948, 1255, 1274.  
To provide \$65,000.00 for Voting Machine for the House of Representatives. H. 813, pages 1428, 1465, 1627, 1645, 1648.

\$15,896.00 for further maintenance of Alabama College. H. 768, pages 1307, 1321, 1408, 1468.

To appropriate \$100,000.00 to the University of Alabama. H. 712, pages 1266, 1279, 1338, 1391, 1555, 1593.

To appropriate \$100,000.00 to Alabama Polytechnic Institute. H. 665, pages 1246, 1279, 1337, 1391, 1559, 1592.

Authorize State of Alabama to pay J. E. Clem, \$500.00 for accident when hit by a highway patrolman. H. 615, pages 1283, 1438, 1579, 1592.

To refund to Western Railway \$37,113.96 out of the State Treasury money erroneously paid to state of Alabama for years 1932, 1933, 1934, 1935, 1937, and 1938. H. 576, pages 1137, 1200, 1259, 1663.

\$268.03 out of State Treasury to reimburse W. L. Borders for necessary expenses in returning fugitive from California to Calhoun County. H. 566, pages 1469, 1527, 1609, 1619, 1637.

For State Employees retirement. H. 389, pages 600, 692, 890, 954, 1421.

For retirement of Public Debt. H. 329, pages 696, 772, 891, 935, 954.

University of Alabama for research and extension programs. H. 328, pages 412, 578, 660, 708.

\$40,000.00 from General Fund, Public Library Service Division. H. 320, pages 356, 445, 592, 606.

Maintenance and support of Division of Records and Reports in Office of Governor. H. 242, pages 501, 579, 1141, 1210, 1236.

Gorgas Memorial establishment. H. 236, pages 436, 772, 1486, 1505, 1534.  
\$20,348.00 of General Fund of State of Morgan County for water for Tuberculosis Sanatorium. H. 229, pages 171, 186, 282, 291.

To make appropriation for the support and maintenance of the Southern Industrial Institute. H. 128, pages 356, 445, 529, 574.

\$14,900.00 for Agricultural Experiment Station in Piedmont Area. H. 127, pages 168, 298, 348, 363.

To State Department Public Welfare of funds not claimed and drawn against Alabama Relief Administration. H. 125, pages 75, 99, 446, 565, 574.

\$1,000,000.00 to Alabama Emergency Finance Corporation. H. 87, pages 394, 579, 887, 934, 953, 986, 1239.

State Defense Council. H. 85, pages 126, 235, 420, 423, 462, 466, 599.

To Tuskegee Institute. H. 72, pages 738, 786, 948, 1550, 1571

**APPROPRIATION—Continued**

For War Emergency Council. H. 66, pages 219, 461, 772, 829, 876, 935, 953, 1267.

For State Planning Board. H. 62, pages 109, 446, 886, 935, 953.

Funds for Alabama State Bridge Corporation. H. 59, page 69.

For state owned aeronautical facilities. H. 57, pages 169, 445, 557, 1210, 1235.

Allocation of funds for needy blind. H. 51, pages 80, 99, 446, 1246.

Support of Alabama Vocational School for Girls. H. 48, pages 355, 771, 1292, 1302.

\$250,000.00 from any fund not otherwise used for expenses for the present session of Legislature. H. 47, pages 222, 298, 346, 363.

Support of public education. H. 45, pages 303, 314, 337, 419, 420, 422, 455, 456, 599.

For State Market Board. H. 30, pages 146, 238, 318, 331, 332.

To Executive Legislature and Judicial Departments of the state. H. 26, pages 303, 314, 337, 419, 420, 422, 455.

**ARCHIVES AND HISTORY—**

To create an endowment fund from donations to said department. H. 811, pages 1295, 1414, 1525, 1573.

Appropriation for Public Library Service Division of. H. 320, pages 356, 445, 592, 606.

**ASSESSMENT LIENS—**

Relating to redemption price of property by cities with population of 200,000 or more. H. 729, pages 1026, 1196, 1252, 1275.

**ASSISTANCE GRANTS—**

Exempting same to dependent children from garnishments, etc., and taxes. H. 164, pages 169, 447, 495, 503.

**ATTORNEY GENERAL—**

With Director of Finance and Highway Director become corporation for Alabama State Bridge Corporation. H. 59, page 69.

**AUTAUGA COUNTY—**

To provide for the election of the County Superintendent of Education of said county. H. 818, pages 1311, 1320, 1458, 1496.

**BAIL—**

Securing address of defendant on bail. H. 15, pages 101, 474.

**BARBOUR COUNTY—**

To regulate the fine and forfeiture fund of. H. 781, pages 1090, 1194, 1243, 1278.

**BIBB COUNTY—**

Amend act providing for compensation of members of Board of County Commissioners. H. 613, pages 721, 783, 1240, 1274.

To regulate the use of Steel Traps in. H. 7442, pages 1225, 1280, 1454, 1495.

Amend Section 3 of an act approved March 29, 1933, to elect a County Superintendent of Education. H. 497, page 841.

**BILLS OF EXCEPTIONS—**

To abolish same in Circuit Courts. H. 76, pages 914, 951, 1365, 1398, 1411, 1557, 1590.

**BIRMINGHAM—**

To amend Sections 2, 7, 10, 11, 13, 14, 25, 26, and 27 of an act approved September 7, 1935, to establish an inferior court of record to be known as the Intermediate Civil Court. H. 580, pages 613, 1046, 1149, 1237.

To authorize relief for certain employees. H. 830, pages 1397, 1416, 1465, 1514.

**BIRTH CERTIFICATES—**

To provide the facts of birth, issuance of delayed certificates. H. 113, pages 437, 474, 592, 606.

**BLIND—**

Allocation of funds to assist needy blind. H. 51, pages 80, 99, 446, 1246.

To exempt assistance grants from levy, garnishment, attachment and all taxes. H. 124, pages 80, 86, 150, 154, 370, 404, 786.

**BLOUNT COUNTY—**

Regulate fine and forfeiture fund and regulate claims and payments against it. H. 414, pages 416, 449, 562, 574.

Prescribe salary of Chief Deputy Sheriff. H. 415, pages 418, 449, 561, 574.

Provide for salary of Jailer. H. 416, pages 415, 449, 562, 575.

Allow Sheriff a Deputy and fix payment of same. H. 417, pages 414, 449, 562, 575.

To abolish office of Deputy Solicitor and create in lieu office of County Solicitor. H. 669, pages 867, 906, 1083, 1108.

To provide an additional Clerk in the Office of Circuit Clerk in said county. H. 814, pages 1262, 1299, 1454, 1496.

**BOARD OF EQUALIZATION—**

To provide for appeals to the Circuit Court in counties, having a population of 400,000 or more. H. 530, pages 908, 1046, 1150, 1237.

**BOARD OF REVENUE—**

Courts of County Commissioners to invest funds. H. 69, pages 134, 781, 1606, 1622.

To create office of President of Board for Cherokee County. H. 670, page 850.

To amend an act creating a Board of Revenue for Cherokee County. H. 673, page 852.

**BONDED INDEBTEDNESS—**

Retirement of the public debt of State of Alabama for sinking fund for Renewal Bonds. H. 329, pages 696, 772, 891, 935, 954.

**BONDS—**

To regulate issuance, delivery and sale of bonds and obligations of counties, cities and other public bodies. H. 155, pages 1239, 1528.

**BOOK MAKERS—**

To prohibit use of telephone and telegraph wires by. H. 706, pages 1435, 1464, 1518.

**BORDERS, W. L.—**

For relief of. H. 566, pages 1469, 1527, 1609, 1619, 1637.

**BRINSON, ELSIE M.—**

Compensation for gunshot wound of her husband. H. 590, pages 654, 693, 794, 836.

**BUILDING PERMIT—**

To provide for the issuance of. H. 540, pages 840, 951, 1351, 1390.

**CAHABA, ALABAMA—**

To appoint Board of Trustees to protect and acquire historical objects of historical interest at. H. 765, pages 1394, 1438, 1582, 1595.

**CALHOUN COUNTY—**

Providing for clerical assistances, county officers and payment. H. 165, pages 163, 187, 281, 291, 353, 355, 363.

To amend Section 1 of an act to abolish the office of Coroner of Calhoun County. H. 213, pages 247, 1193, 1352, 1389.

Reimburse sheriff out of State Treasury for expenses incurred in returning a fugitive from California to said county. H. 566, pages 1469, 1527, 1609, 1619, 1637.

Create Purchasing Agent and his duties. H. 568, pages 611, 1465, 1605, 1619, 1623.

Relating to payment of premiums on Dep. Bonds of Calhoun County, H. 609, page 646.

Establish Office of Road Engineer. H. 610, page 647.

**CHAMBERS COUNTY—**

Board of Education authorized to pay J. I. Phillips principal amount on note for \$1,000.00 executed by Trustees of Chambers County Training School of LaFayette. H. 526, pages 521, 549, 622, 695.

**CHEROKEE COUNTY—**

To create Office of President of Board of Revenue for. H. 670, page 850.

To create a Purchasing Agency for. H. 671, page 846.

To amend an act creating the Office of Road Supervisor for. H. 672, page 843.

To amend an act creating a Board of Revenue for. H. 673, page 852.

**CHILTON COUNTY—**

Reimburse J. Lee Smith the sum of \$1233.34 for ex-officio fees. H. 743, pages 1020, 1048, 1157, 1238.

To amend Sections of an act to provide for the election of a superintendent of Education of. H. 688, pages 856, 908, 1081, 1109.

To amend an act to establish an Inferior Law Court in. H. 744, pages 1021, 1377, 1458, 1469, 1573.

**CHOCTAW COUNTY—**

Regulate fine and forfeiture fund of said county. H. 436, pages 449, 712, 795, 835.

**CIRCUIT COURT—**

Provide for appeals to court in counties having population of 400,000 or more from decisions of Board of Equalization. H. 530, pages 908, 1046, 1150, 1237.

Abolish bills of exception. H. 76, pages 914, 951, 1365, 1398, 1411, 1557, 1590.

**CIRCUIT JUDGES—**

To supplement salaries of Circuit Judges in Circuits having not less than 115,000 or more than 130,000 population.

**CITIES—**

Unlimited police power through the adoption of ordinances having application in the corporate limits. H. 731, pages 1026, 1197, 1254, 1275.

To confer power of condemnation upon. H. 730, pages 1026, 1196, 1251, 1275.

Relating to redemption price of property through foreclosure of public improvement assessment liens. H. 729, pages 1026, 1196, 1252, 1275.

**CIVIL SERVICE BOARDS—**

To provide for Appeals from decisions of Civil Service Boards which govern police and fire departments. H. 785, pages 1284, 1318, 1455, 1495.

**CLASS "D" CITIES—**

Cities with population of as many as 35,000 and less than 75,000, providing for Chief Executive Officer. H. 715, pages 908, 913, 1299, 1361, 1391.

**CLAY COUNTY—**

To provide a Commissioner Court of. H. 806, pages 1264, 1282, 1331, 1370.  
To provide for County Board of Education of. H. 807, pages 1260, 1281, 1331.

**CLEM, J. E.—**

Reimbursement for hospital and doctor bills. H. 615, pages 1283, 1438, 1579, 1592.

**CLERK OF HOUSE—**

To provide additional clerical assistants for the clerk of. H. 824, pages 1322, 1387, 1486, 1514.

**CLERKS OF CRIMINAL COURTS—**

Duties and fees. H. 16, pages 151, 474.

**CODE—**

Authorize the government to contract for pocket size edition to be printed of the acts passed since 1940. H. 764, pages 1126, 1217, 1328, 1369.

**CODE AMENDED—**

Equity rules 51 and 52. H. 80, pages 101, 610, 1543, 1571.  
Section 6 of Equity rule 55. H. 81 pages 101, 610, 1542, 1571.  
Equity rule 56. H. 82, pages 109, 143, 320, 331.  
Title 2, Section 568. H. 52, pages 110, 771, 1292, 1302.  
Title 5, Section 125. H. 674, pages 1266, 1279, 1551.  
Title 5, Section 187. H. 192, pages 411, 549, 704.  
Title 5, Section 220. H. 167, pages 288, 267, 564, 574.  
Title 5, Section 239. H. 185, pages 288, 367, 526, 567.  
Title 5, Section 243. H. 186, pages 288, 367, 525, 567.  
Title 5, Section 244. H. 168, pages 288, 367, 526, 567.  
Title 5, Section 249. H. 193, pages 288, 367, 525, 568.  
Title 7, Section 272. H. 331, pages 748, 782, 1483, 1514.  
Title 7, Section 536. H. 727, pages 1436, 1565, 1640.  
Title 7, Section 595. H. 726, pages 1435, 1565, 1640.  
Title 7, Section 626 (7883), (4161), (2034), (2508), (2822). H. 514, page 736.  
Title 7, Section 742. H. 779, pages 1434, 1463, 1585, 1595.  
Title 7, Section 789. H. 308, page 532.  
Title 7, Section 904. H. 216, pages 533, 871, 1313.  
Title 8, Section 13. H. 211, page 1295.  
Title 8, Section 43. H. 238, pages 501, 871, 1289, 1302.  
Title 8, Section 55. H. 183, page 1334.  
Title 8, Section 62. H. 184, page 1447, 1564.  
Title 8, Section 76. H. 218, page 996.  
Title 8, Section 98. H. 179, pages 913, 1192.  
Title 8, Section 99. H. 182, pages 882, 1193.  
Title 8, Section 101. H. 181, page 883, 1193.  
Title 8, Section 102. H. 182, pages 883, 1193.  
Title 8, Section 139. H. 713, pages 1402, 1417, 1509, 1534.

## CODE AMENDED—Continued

- Title 8, Section 204. H. 222, pages 883, 1192, 1538, 1591.  
 Title 11, Section 24. H. 10, pages 507, 643, 1076, 1106.  
 Title 11, Section 110. H. 612, pages 1403, 1437.  
 Title 12, Section 32. H. 359, pages 1064, 1298, 1575, 1591.  
 Title 12, Sections 134, 137, and 144. H. 832, pages 1383, 1416, 1538, 1569, 1638.  
 Title 12, Section 144. H. 445, page 748.  
 Title 12, Section 145. H. 443, page 748.  
 Title 13, Section 166. H. 339, pages 748, 782, 1150, 1237.  
 Title 13, Section 187. H. 578, pages 1313, 1414, 1486, 1514.  
 Title 13, Section 199. H. 220, pages 719, 782, 1151, 1200, 1236.  
 Title 13, Sections 246, 247, 249, and 259. H. 200, pages 994, 1437.  
 Title 13, Section 254. H. 93, pages 436, 1214, 1354, 1398, 1411.  
 Title 13, Section 295. H. 24, pages 1448, 1564.  
 Title 13, Section 297. H. 23, pages 1448, 1564.  
 Title 14, Section 63. H. 618, pages 1307, 1437, 1656, 1682.  
 Title 15, Section 318. H. 138, pages 171, 297, 1157, 1236.  
 Title 15, Section 342. H. 98, page 102.  
 Title 17, Section 5. H. 132, page 463, 581.  
 Title 17, Section 26. H. 639, pages 909, 1045, 1152, 1237.  
 Title 17, Section 27. H. 640, pages 908, 1045, 1150, 1237.  
 Title 17, Section 47. H. 537, pages 1445, 1502.  
 Title 19, Section 30. H. 254, pages 1295, 1317, 1483, 1514.  
 Title 21, Section 99. H. 101, pages 109, 297, 1379, 1411.  
 Title 23, Section 25. H. 761, pages 1403, 1417, 1626, 1636.  
 Title 26, Section 212. H. 319, pages 322, 370, 1292, 1302.  
 Title 26, Section 347. H. 375, pages 881, 988, 1524.  
 Title 28, Section 53. H. 178, pages 287, 448, 1510, 1523, 1534.  
 Title 28, Section 117. H. 391, pages 994, 1044, 1304, 1332.  
 Title 28, Section 213. H. 177, pages 287, 448, 1509, 1534.  
 Title 29, Section 177. H. 350, pages 428, 781, 1158, 1237.  
 Title 30, Section 3. H. 204, page 463.  
 Title 30, Section 12. H. 710, page 1300.  
 Title 30, Section 21. H. 231, pages 533, 871, 1328, 1368.  
 Title 30, Section 70. H. 664, pages 1446, 1565.  
 Title 34, Section 1. H. 455, page 1504.  
 Title 34, Section 20. H. 199, pages 994, 1298, 1519, 1569, 1591.  
 Title 34, Section 22. H. 110, pages 1418, 1463.  
 Title 34, Section 23. H. 71, pages 169, 409, 1659, 1680.  
 Title 34, Section 29. H. 109, page 152.  
 Title 34, Section 38. H. 304, page 533.  
 Title 34, Section 46 (7433), (3818), (1509), (1894), (2234), (1626), (1356).  
 H. 515, page 736.  
 Title 34, Section 73. H. 147, pages 412, 474, 1543, 1571.  
 Title 35, Section 69. H. 157, pages 462, 951.  
 Title 36, Section 55. H. 354, pages 1063, 1417.  
 Title 36, Section 56. H. 353, pages 1063, 1417.  
 Title 36, Section 66. H. 351, pages 996, 1417.  
 Title 36, Section 67. H. 583, pages 702, 782.  
 Title 36, Section 69. H. 538, pages 935, 1192, 1338, 1390.  
 Title 36, Section 71. H. 153, pages 428, 1417, 1519, 1572.  
 Title 36, Section 88. H. 18, pages 145, 771, 1520, 1569, 1590.  
 Title 37, Section 10. H. 117, pages 463, 545.  
 Title 37, Section 287. H. 36, pages 428, 546, 1209, 1235.  
 Title 37, Section 397. H. 392, pages 1394, 1527, 1649, 1681.

## CODE AMENDED—Continued

- Title 37, Section 428. H. 704, pages 1402, 1439, 1521, 1572.  
Title 37, Section 462. H. 141, pages 428, 545, 1291, 1302.  
Title 37, Section 709. H. 411, pages 1441, 1503.  
Title 37, Section 732. H. 554, pages 718, 1044, 1237.  
Title 38, Section 84. H. 800, pages 1283, 1319, 1459, 1496.  
Title 4, Section 92. H. 361, pages 1064, 1298, 1575, 1591.  
Title 41, Section 122. H. 536, pages 133, 1387, 1614, 1637.  
Title 41, Section 154. H. 495, pages 568, 579, 631, 704, 785, 1077, 1104, 1134.  
Title 45, Section 84. H. 99, page 109.  
Title 46, Sections 8, 9, 13, 14, 15, and 19. H. 510, pages 628, 906, 1076, 1108.  
Title 46, Sections 130, 137, 139, 140, 141, 143, 144, 145, 149, and 150. H. 475, pages 1446, 1503, 1633, 1647.  
Title 47, Section 27. H. 68, page 436.  
Title 47, Section 30. H. 513, page 736.  
Title 47, Section 131. H. 453, pages 1499, 1527, 1653, 1670, 1681.  
Title 48, Section 102. H. 38, page 1300.  
Title 49, Sections 20, 22, 26, and 30. H. 21, pages 81, 86, 133, 154.  
Title 49, Sections 35, 36, and 41. H. 116, page 80.  
Title 49, Sections 53, 55, 56, 59, 60, and 61. H. 118, page 118.  
Title 51, Section 16. H. 406, pages 738, 773, 890, 954.  
Title 51, Section 89. H. 774, pages 1226, 1280, 1355, 1391.  
Title 51, Section 95. H. 111, pages 169, 1437.  
Title 51, Section 180. H. 212, pages 1147, 1259, 1611, 1637.  
Title 51, Section 223. H. 451, pages 1125, 1259, 1610, 1623.  
Title 51, Section 304. H. 454, pages 1394, 1503, 1649, 1672, 1681.  
Title 51, Section 312. H. 547, pages 1429, 1503, 1652, 1672, 1681.  
Title 51, Section 346. H. 643, page 1322.  
Title 51, Section 385. H. 364, pages 882, 1259, 1551, 1572.  
Title 51, Section 399. H. 637, page 1322.  
Title 51, Section 425. H. 219, page 463, 772, 1546, 1572.  
Title 51, Section 428. H. 630, pages 1308, 1387, 1613, 1637.  
Title 51, Section 429. H. 523, pages 1426, 1503, 1633, 1648.  
Title 51, Section 463. H. 520, pages 630, 691, 1306, 1315, 1332.  
Title 51, Section 472. H. 108, pages 169, 474, 1658, 1680.  
Title 51, Section 481. H. 440, pages 914, 1217, 1362, 1389.  
Title 51, Section 493. H. 334, pages 1139, 1260, 1519, 1534.  
Title 51, Section 502. H. 431, pages 696, 782, 1518, 1534.  
Title 51, Section 555. H. 632, pages 1385, 1416, 1612, 1638.  
Title 51, Section 556. H. 631, pages 1399, 1416, 1614, 1637.  
Title 51, Section 589. H. 602, pages 1426, 1503, 1584, 1592.  
Title 51, Section 631. H. 636, pages 1399, 1439, 1583, 1592.  
Title 51, Section 632. H. 539, pages 935, 949, 1338, 1390.  
Title 51, Section 640. H. 594, pages 1401, 1439, 1583, 1592.  
Title 51, Section 642. H. 647, pages 1385, 1416, 1579, 1592.  
Title 51, Section 647. H. 635, pages 1399, 1438, 1583, 1582.  
Title 51, Sections 656 and 657. H. 46, page 69.  
Title 51, Section 658. H. 592, pages 1401, 1439, 1582, 1592.  
Title 51, Section 684. H. 702, pages 1401, 1438, 1580, 1592, 1593.  
Title 51, Section 702. H. 366, pages 1307, 1417, 1661, 1681.  
Title 51, Section 708. H. 508, pages 1499, 1527, 1657, 1681.  
Title 51, Section 710. H. 507, pages 1333, 1387, 1657, 1681.  
Title 51, Section 712. H. 534, pages 1441, 1503.  
Title 51, Section 729. H. 756, pages 1434, 1465, 1584, 1593.  
Title 51, Section 732. H. 500, pages 1322, 1387.  
Title 51, Section 752. H. 693, pages 1505, 1565, 1657, 1682.

## CODE AMENDED—Continued

- Title 51, Section 755. H. 567, pages 1435, 1464, 1585, 1592.  
 Title 51, Section 781. H. 498, pages 1394, 1439, 1626, 1647.  
 Title 51, Section 784. H. 25, pages 222, 299, 458, 478, 503.  
 Title 51, Section 789. H. 653, pages 1428, 1464, 1585, 1592.  
 Title 51, Section 801. H. 426, pages 600, 948, 1256, 1274.  
 Title 51, Section 820. H. 49, pages 287, 447, 1538, 1571.  
 Title 51, Section 820. H. 413, pages 882, 950.  
 Title 51, Section 831. H. 504, pages 996, 1259, 1612, 1647.  
 Title 51, Section 834. H. 480, pages 1428, 1503.  
 Title 51, Sections 844 and 845. H. 505, pages 996, 1259.  
 Title 51, Section 847. H. 535, pages 1441, 1503.  
 Title 51, Sections 848 and 849. H. 490, pages 1401, 1438, 1625, 1647.  
 Title 51, Section 852. H. 28, pages 133, 1217, 1660, 1679.  
 Title 51, Section 877. H. 677, pages 1090, 1217, 1454, 1495.  
 Title 51, Section 912. H. 173, pages 436, 579, 1270, 1370, 1412.  
 Title 52, Section 151. H. 248, pages 412, 449, 1337, 1368.  
 Title 52, Sections 54, 90, 92, 103, 111, 127, 159, 174, 197, 309, 333, 361, 432, 433. H. 271, pages 386, 693, 1302, 1332.  
 Title 52, Section 524. H. 195, pages 737, 776, 1206, 1236.  
 Title 52, Section 532. H. 202, pages 994, 1466.  
 Title 52, Section 527. H. 197, page 994.  
 Title 54, Section 3. H. 214, pages 230, 297, 434, 466.  
 Title 55, Section 35. H. 496, pages 568, 579, 624, 703, 709.  
 Title 55, Sections 162, 165, 167, 168, 169, and 170. H. 452, pages 1125, 1259, 1610, 1623.  
 Title 55, Section 240. H. 35, pages 429, 546, 1256, 1274.  
 Title 55, Section 242. H. 34, pages 428, 546, 1270, 1302.  
 Title 55, Section 301. H. 724, pages 935, 1214, 1339, 1386, 1391.  
 Title 55, Section 308. H. 723, pages 936, 1214, 1339, 1391.  
 Title 55, Section 333. H. 705, pages 1333, 1387, 1489, 1504, 1534.  
 Title 55, Section 335. H. 666, pages 1446, 1565, 1655, 1682.  
 Title 55, Sections 380, 381, and 382. H. 58, pages 69, 162, 389, 402.  
 Title 60, Sections 29 and 35. H. 1221, pages 80, 99.  
 Title 60, Section 47. H. 29, pages 133, 408, 1346, 1389.  
 Title 61, Section 40. H. 88, page 101.  
 Title 61, Section 216. H. 152, pages 533, 1298, 1329, 1349, 1368.  
 Title 61, Section 301. H. 148, pages 532, 871, 1513, 1534.  
 Title 62, Section 39. H. 95, pages 168, 297, 361, 363.  
 Title 62, Section 42. H. 96, page 102.  
 Title 62, Section 55. H. 103, pages 98, 144, 179, 184.  
 Title 62, Section 55. H. 104, pages 109, 142, 191, 201, 201.  
 Title 62, Section 132. H. 528, pages 702, 1437, 1626, 1648.  
 Title 62, Section 603. H. 201, pages 994, 1377.  
 Title 62, Section 701. H. 448, pages 1473, 1527.

## CODE REPEALED—

- Title 11, Section 26. H. 12, pages 532, 643.  
 Title 25, Sections 14 and 40. H. 258, pages 1425, 1467, 1586, 1647.  
 Title 28, Sections 145 and 162, inclusive. H. 553, pages 1445, 1565, 1655, 1681.  
 Title 28, Section 271. H. 524, pages 881, 1045, 1331, 1368.  
 Title 34, Section 27. H. 307, page 533.  
 Title 36, Section 57. H. 352, pages 996, 1417.  
 Title 38, Sections 86, 87, 88, and 89. H. 100, pages 399, 872, 1545, 1571.  
 Title 39, Section 202. H. 102, pages 109, 474, 1606, 1622, 1682.  
 Title 49, Sections 24 and 32. H. 44, pages 81, 86, 150, 154.



## CODE REPEALED—Continued

- Title 51, Section 389. H. 634, pages 1393, 1438, 1627, 1648.
- Title 52, Section 149. H. 55, pages 437, 546, 1352, 1389.
- Title 55, Sections 368 and 373. H. 63, pages 110, 771, 891, 953.
- Title 62, Section 349. H. 321, pages 532, 951, 1255, 1274.

## COFFEE COUNTY—

- Payments and fees in criminal cases. H. 9, pages 167, 187, 280, 291.

## COLBERT COUNTY—

- Authorize Board of Revenue to set up office and supplies for County Solicitor from general fund of county. H. 275, pages 243, 299, 358, 364.
- To allow the sheriff of Colbert County an additional deputy sheriff. H. 276, pages 245, 299, 359, 364.
- Official offices may close at noon one day a week in Court House, fix the day and notice. H. 277, pages 246, 300, 359, 364.
- To repeal an act enlarging the duties imposed on County Commissioners, etc. H. 676, pages 858, 906, 1082, 1108.
- To prescribe duties and compensations of Coroner of said county. H. 839, pages 1474, 1528, 1608, 1623.

## COMMON TRUST FUNDS—

- To authorize the establishment and maintenance of Common Trust Funds, and investments and participations therein. H. 60, pages 1505, 1526, 1649, 1679.

## CONECUH COUNTY—

- To erect a building to be used as office of County Board of Education. H. 766, pages 1093, 1195, 1249, 1277.

## CONFEDERATE SOLDIERS' HOME—

- Provide for former inmates. H. 405, pages 436, 773, 1144, 1237.

## CONSTITUTIONAL AMENDMENT—

- Amend Section 194½ exemption from Poll Tax. H. 1, pages 229, 778, 1205, 1232, 1239.
- Section 251. H. 74, pages 337, 777, 1610, 1622.
- To propose an amendment to the Constitution of Alabama. H. 262, pages 1050, 1214, 1323.
- To authorize the Legislature to fix and alter fees, salaries, etc. of Tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registrars of chancery courts, Dale County. H. 279, page 1063.
- Present to voters for their consideration Constitutional Amendment concerning fees and salaries of county officers. H. 407, pages 596, 777, 1078, 1106.
- Provide for election to vote upon amendment Section 138 of Article 5 of the Constitution of Alabama as amended by Amendment XXXV. H. 408, pages 958, 1043, 1460, 1493.
- Nominee for a political party which cast more than 25% of the vote cast at the general election must be nominated by primary election. H. 646, page 1203, 1215, 1328, 1368.
- To empower the Legislature to fix fees, allowances, etc., of Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of Circuit Judge, of Walker County. H. 757, pages 1202, 1574, 1593.

## COOSA COUNTY—

- Election of County Superintendent of Educational duties, compensation, qualifications. H. 140, pages 164, 188, 281, 291.

**COUNTIES—**

- To provide for disposition and use of profits and all taxes levied of all spirituous or vinous liquors. H. 313, pages 611, 772, 1156, 1198, 1236.
- To authorize closing of county offices at noon one day each week. H. 767, pages 1126, 1282, 1282, 1357, 1398, 1412.

**COUNTY COMMISSION—**

- To fix the hours of opening and closing all public offices where employees are paid out of County Treasury. H. 654, page 1127.

**COUNTY OFFICERS—**

- To require county officers on salary basis in counties of 140,000 or more population to pay all fees, costs, etc., into the county treasury. H. 836, pages 1419, 1465, 1536, 1573.

**COUNTY ROADS—**

- To provide for state aid in construction of. H. 714, pages 995, 1260, 1288, 1315, 1369.

**COUNTY SERVICE COMMISSIONER—**

- Creation of same. H. 256, pages 737, 785, 1661, 1675, 1682.

**COUNTY SOLICITOR—**

- To abolish office of Deputy Solicitor and create in lieu office of County Solicitor. H. 559, pages 867, 906, 1083, 1108.
- To provide additional duties of, in counties having a population of not less than 64,000 and not more than 66,000. H. 791, pages 1260, 1298, 1360, 1392.

**COURTS OF COUNTY COMMISSIONS—**

- Boards of revenue to invest funds. H. 69, pages 134, 781, 1606, 1622.
- To provide additional duties for, in counties with population not less than 21,100 and not more than 21,890. H. 798, pages 1419, 1464, 1543, 1561, 1573.

**COVINGTON COUNTY—**

- Authorize Circuit Clerk to employ a secretarial assistant. H. 326, pages 310, 336, 391, 404.

**COW-KIND—**

- Providing payment to the sheriff for evidence and conviction of any person who steals such. H. 190, pages 436, 1388, 1575, 1591.

**CREDIT UNIONS, EXAMINING—**

- Provide for payment of expenses. H. 169, pages 303, 409, 526, 567.
- To regulate their supervision. H. 170, pages 288, 367, 525, 567.

**CRENSHAW COUNTY—**

- To repeal act concerning the setting aside of funds from general fund each year. H. 591, pages 644, 781, 893, 955.
- To validate the unfunded indebtedness of the County Board of Education. H. 592, pages 645, 693, 892, 955.

**CULLMAN COUNTY—**

- \$6,000.00 (not less than) for construction and maintenance of public calendar. H. 324, pages 306, 335, 390, 403.
- Authorize Road and Bridge Commissioner to collect privilege taxes. H. 325, pages 304, 335, 391, 403.
- To amend Section 4 of an act to abolish the Board of Finance and Control of, and create in lieu thereof a Board of Revenue of said county. H. 815, pages 1309, 1320, 1457, 1496.

## DALE COUNTY—

- Establish an Inferior Court in Precinct 1. H. 278, page 251.
- To repeal an act providing for the election of a County Superintendent of Education of Dale County. H. 280, page 249.
- To abolish the County Commissioners Court of Dale County. H. 281, page 255.
- Fix expenses and payments of Probate Judge's office. H. 282, page 259.
- Fix salary and duties of Tax Collector. H. 283, page 261.
- To fix the compensation to be paid the Tax Assessor of Dale County. H. 284, page 263.
- Fix payment not less than \$1800.00 a year, not more than \$2100.00 a year for Chief Deputy Sheriff. H. 388, page 371.
- To fix salary to be paid Clerk of Circuit Court, and Registers in Chancery of. H. 769, page 1094.

## DALLAS COUNTY—

- Provide for closing of county offices. H. 314, pages 307, 336, 393, 403.
- Provide duties and compensation for coroner. H. 315, pages 240, 300, 359, 364.
- Compensation for Mrs. Joseph E. Post. H. 316, pages 241, 300, 360, 364.
- County Board of Education to pay for expenses of biennial school census. H. 317, pages 242, 300, 360, 364.

## DAVIS, GLENN—

- For the relief of. H. 745, pages 1385, 1416, 1578, 1593.

## DEFENDENT—

- Admitting defendant to bail, securing address of same and sureties on bond. H. 15, pages 101, 474.
- Requiring clerks of criminal courts to give notice to defendant of date of trial where same has been released on bond. H. 16, page 474.

## DEFENSE ACTIVITIES—

- To authorize State of Alabama of any Department or agents to receive grants for defense activities. H. 86, page 76.

## DEPENDENT CHILDREN—

- Exemptions from assistance grants. H. 164, pages 169, 447, 495, 503.

## DIVISION OF RECORDS AND REPORTS—

- To create and establish Division of Records and Reports in the Office of Governor. H. 242, pages 501, 579, 1141, 1210, 1236.

## EDUCATION—

- General appropriation. H. 45, pages 393, 314, 337, 419, 420, 422, 455, 456, 599.

## EDUCATION, CITY BOARDS OF—

- Invest proceeds of warrants in U. S. Government securities until such proceeds can be used for purposes which the warrants were issued. H. 287, pages 352, 409, 708.
- Provide for examination and auditing of accounts by State Examiners. H. 285, pages 356, 409, 499, 568.
- To authorize inspection by sheriffs of school buildings for fire protection. H. 747, pages 1090, 1195, 1251, 1276, 1317.

## EDUCATIONAL SURVEY COMMISSION—

- To set up an. H. 735, pages 1126, 1217, 1404, 1410, 1468.

**ELECTION OFFICERS—**

Regular payment of same in counties having population of 300,000. H. 574, page 611.

**ELECTIONS—**

Regarding names on ballots, perusant to Section 27, Title 37, Code 1940. H. 75, pages 128, 545, 1270, 1302.

**ELECTRICITY—**

Provide for acquiring and operating facilities for its production, etc. H. 428, pages 597, 610, 659, 709.

Advance money for preliminary organization costs of non-profit organizations. H. 429, pages 600, 611, 660, 709.

**ELMORE COUNTY—**

To provide traveling expenses for the Chief Deputy Sheriff of. H. 266, pages 249, 299, 358, 364.

Create Court of Record. H. 374, pages 373, 410, 496, 504.

Provide traveling expenses of Chief Deputy Sheriff. H. 663, pages 754, 784, 896, 956.

Repeal act allowing sheriff of county and additional deputy. H. 659, pages 753, 784, 895, 956.

**EMBALMING—**

To make it unlawful to remove bodies from the state without embalming. H. 725, pages 1147, 1298, 1460, 1511.

**EMERGENCY WAR POWERS—**

Conferred upon Governor for duration. H. 269, pages 737, 772, 889, 954.

**EMPLOYEES—**

Relating to resignation of an employee to become candidate for public office. H. 641, pages 909, 1045, 1148, 1237.

**EQUITY CASES—**

Regulate objection and consideration of evidence. H. 79, pages 171, 297, 551, 573.

**EQUITY RULES—**

51 and 52 amended, 1940 code. H. 80, page 101, 610, 1543, 1571.

Amend Section 6 of Rule 55, 1940 code. H. 81, pages 101, 610, 1542, 1571.

Amend Rule 56 of 1940 code. H. 82, pages 109, 143, 320, 331.

**ESCUMBIA COUNTY—**

Compensation of attorneys who defend indigent persons charged with capital offenses. H. 327, pages 309, 336, 392, 404.

To abolish Court of County Commissioners, to establish the Board of Revenue. H. 686, pages 859, 907, 1080, 1108.

To amend Section 1 of an act fixing salary of Deputy Solicitor of. H. 687, pages 866, 907, 1080, 1109.

**ETOWAH COUNTY—**

Fix salary of Tax Collector, Clerks, Deputies, and clerical assistants. H. 437, pages 519, 547, 620, 693.

Salary of Tax Assessor and clerks, deputies, and clerical assistants. H. 438, pages 517, 548, 621, 694.

Fix salary of Judge of Probate and clerical assistants, clerks, and deputies. H. 439, pages 515, 548, 621, 694.

To authorize the City of Gadsden to sell, lease, etc., certain lands owned by same. H. 787, pages 1226, 1282, 1353, 1391.

**FEDERAL FOOD, DRUG, AND COSMETIC ACT—**

To make legal any food subject to, complying with this act. H. 31, pages 463, 950, 1289, 1521.

**FEDERAL SAVINGS AND LOAN ASSOCIATION—**

Appropriate \$817.01. H. 297, pages 882, 948, 1255, 1274.

**FELON—**

Rights of convicted persons of a felony. H. 114, pages 128, 297.

Indigent cases furnished with legal council. H. 115, pages 151, 408, 889, 953, 1135, 1235.

**FIDUCIARIES—**

Provision for them and appointment of successors. H. 70, pages 133, 772, 1546, 1568, 1590.

**FINANCE, DIRECTOR OF—**

With Attorney General and Highway Director become corporation for Alabama State Bridge Corporation. H. 59, page 69.

**FINGERPRINTING—**

Requiring sheriffs to fingerprint each person coming under his custody. H. 690, pages 1308, 1387, 1510, 1534.

**FIRE DEPARTMENT—**

To provide for appeals from decisions of Civil Service Boards which govern same. H. 785, pages 1284, 1318, 1495.

**FIREMAN AND POLICEMEN, SALARIES—**

Repealing an act approved March 4, 1937, providing for increase in salaries. H. 831, pages 1383, 1415, 1484, 1514.

**FLORENCE, ALABAMA—**

Authorizing the city to enact an ordinance fixing compensation of Tax Assessor and Tax Collector of Lauderdale County. H. 692, pages 849, 908, 1081, 1110.

**FORT, MRS. JOSEPH E.—**

Compensation for death of her husband. H. 316, pages 241, 300, 360, 364.

**FRANKLIN COUNTY—**

Relative to salaries of the Court of County Revenue of. H. 718, pages 942, 1046, 1156, 1238.

**FUR BEARING ANIMALS—**

Regulating hunting and trapping of. H. 264, page 1385.

**GADSDEN, ALABAMA—**

To alter boundary lines of the city of. H. 717, pages 943, 1046, 1121, 1238.

**GARNER HOSPITAL—**

To authorize the city of Anniston to sell real estate known as. H. 338.

**GORGAS MEMORIAL—**

Establishment and maintenance. H. 236, pages 436, 772, 1486, 1505, 1534.

**GOVERNOR—**

Confer Emergency War Power upon him. H. 269, pages 737, 772, 889, 954.

**HALL, MRS. JEWELL—**

For the relief of. H. 775, pages 1097, 1194, 1250, 1277.

**HAMILTON, ALABAMA—**

To alter and re-arrange boundaries of Hamilton, Alabama. H. 651, page 752.

**HATHAWAY, WILLIAM ROY—**

Relief of Hathaway. H. 376, pages 702, 773, 1269, 1302.

**HIGHWAY DIRECTOR—**

With Director of Finance and Attorney General become Corporation for Alabama State Bridge Corporation. H. 59, page 69.

**HOSPITAL—**

To authorize cities and counties to operate. H. 599, pages 1307, 1378.

**HOSPITAL BOARDS—**

To abolish hospital boards in counties of not less than 64,000 or more than 66,000 population. H. 783, pages 1090, 1195, 1451, 1468.

**HOSPITALS AND CLINIC—**

To further regulate the operation of same in counties having 400,000 or more in population. H. 816.

**HOUSING AUTHORITIES—**

To declare valid and legal the creation and establishment of. H. 257, pages 1426, 1466, 1585, 1591.

To authorize the creation and establishment of regional housing authorities. H. 258, pages 1425, 1467, 1586, 1647.

To authorize housing authorities to develop or administer projects for military personnel. H. 259, pages 1428, 1467, 1586, 1591.

**HOUSTON COUNTY—**

Constitutional Amendment concerning fees and salaries of county offices. H. 407, pages 596, 777, 1078, 1106.

**HUNTING, TRAPPING—**

To regulate hunting, trapping and killing fur bearing animals. H. 264, page 1385.

**HYDRO-ELECTRIC POWER—**

Provide for acceptance, collection, and distribution of payments in lieu of taxes to the state by the U. S. or any department engaged in production of hydro-electric power. H. 472, pages 630, 773.

**INCOME TAX—**

Provide optional method to income tax payers for returning as income, increase in redemption value of securities purchased at a discount. H. 61, pages 411, 771, 1546, 1571.

Deductable allowance. H. 529, pages 1426, 1464, 1584, 1591.

**INSURANCE COMPANIES, LIFE—**

Repeal Sections 145 to 162 inclusive of Title 28, to regulate deposits of. H. 553, pages 1445, 1565, 1655, 1681.

**INSURERS—**

Doing business in more than one state, to provide for reliabilitation, etc., of same. H. 176, pages 286, 775, 1659, 1680.

**INVESTMENT OF FUNDS—**

Of cities, counties, town. H. 33, pages 428, 546, 1145, 1235.

**JACKSON COUNTY—**

Allowing Board of Education twenty meeting days a year and pay for same. H. 620, pages 722, 784, 924, 955.

To create a Board of Revenue for. H. 797, pages 1223, 1281, 1359, 1392.

**JEFFERSON COUNTY—**

Fix salary of Register of Circuit Court. H. 150, pages 478, 512, 564, 574

Fix salary of Tax Assessor. H. 247, pages 413, 449, 498, 504.

To provide no charges to be made for copies of interrogatories, files in Circuit Court of Jefferson County. H. 333, pages 1474, 1528, 1607, 1623.

Bailiff may be called upon to do stenographic, clerical, and secretarial work. H. 337, pages 537, 609, 790, 834.

Fix salary of Treasurer. H. 450, pages 584, 609, 791, 835.

Create inferior court of criminal and civil jurisdiction, provide for officers, etc. H. 548, pages 648, 1197, 1253, 1274.

Circuit Solicitor supervises prosecution of misdemeanors. H. 552, pages 538, 609, 792, 835.

Amend Section 1 of act approved September 7, 1935, to provide for holding circuit court in precincts in Jefferson County. H. 625, pages 718, 783, 893, 955.

To increase the salary of the Judge of the Juvenile and Domestic Relations Court of said county. H. 763, pages 1265, 1320, 1485, 1514.

To establish the boundary line between Jefferson County and Shelby County. H. 773, pages 1128, 1194, 1248, 1277.

Amending Section 4 of an act approved September 25, 1939, creating and establishing office of License Inspector for said county. H. 827, page 1396.

**JUDGE OF PROBATE—**

For the purpose of issuing Motor Vehicles and Driver's Licenses, to provide for additional space and to provide for assistants and clerks. H. 474, pages 869, 949, 1351, 1389.

**JUDICIAL NOTICES—**

Relating to Judicial Notices of Ordinances of cities of a certain population (200,000 or more). H. 444, pages 748, 783, 895, 954.

**JURIES**

6 and 12 man juries for violation of city or town laws. H. 332, page 437.

Selection of 6 and 12 man juries for misdemeanor and non-capital felonies in counties of 300,000 or more. S. 336, page 438.

Permitting Juries, in counties having more than 140,000 population in any criminal prosecution during pendency of trial to separate. H. 823, pages 1313, 1319, 1456, 1469, 1497.

Providing for member of to retire during trial in counties of 300,000 or more. H. 335, pages 537, 608, 790, 834.

Obtaining of six or twelve man juries for trials in civil cases in counties of 300,000 population. H. 340, page 538.

**JURORS—**

Regulate method of summoning jurors in cities of 300,000 or more. H. 716, pages 909, 1196, 1253, 1274.

**JUVENILE AND COURT OF DOMESTIC RELATIONS—**

Relating to salaries of, officers of the Montgomery County. H. 738, pages 940, 1047, 1149, 1238.

**KNOX, LOUISE E.—**

For the relief of. H. 842, pages 1478, 1528, 1608, 1623.

## LA GRANGE, ALABAMA—

To provide Board of Trustees to acquire and protect historical interest located in said town. H. 804, pages 1448, 1503, 1633, 1648.

## LAMAR COUNTY—

Election of County Superintendent of Education. H. 64, pages 89, 144, 179, 183.

To fix the salary of the Deputy Solicitor of. H. 788, pages 1263, 1282, 1360, 1392.

To confer upon Justices of the Peace and Notaries Public in Precinct No. 1 in said county. H. 819, page 1311.

To confer upon Justices of the Peace and Notaries Public in and for Precinct 1 in Lamar County. H. 834, pages 1394, 1414, 1536, 1573.

## LAWRENCE COUNTY—

Create office of Purchasing Agent. H. 606, pages 606, 1321, 1604.

Divide county into 4 commissioner's Districts. H. 607, pages 650, 1320, 1537, 1572.

Authorize Purchasing Agent of said county to employ clerk of commissioner's court. H. 608, pages 649, 1321, 1604.

To repeal an act approved April 12, 1936 relative to certain officers in said county increase in pay. H. 840, pages 1476, 1529, 1604.

To regulate place of residence of members of said county Board of Education. H. 841, pages 1477, 1528, 1607, 1623.

## LEE COUNTY—

Fix salary of Deputy Solicitor, provide for manner of payment. H. 252, pages 275, 549, 789, 834.

## LEGISLATURE—

Appropriating \$250,000.00 for expenses of same. H. 47, pages 222, 298, 346, 363.

## LICENSES—

Amending Section 852, Title 51 exempting disabled veterans from payment of certain licenses. H. 28, pages 133, 1217, 1660, 1679.

Hunting and fishing licenses for persons in military service. H. 232, page 1333.

## LIFE INSURANCE COMPANIES—

Investments by them in notes secured by mortgages or trust deeds on unencumbered real estate. H. 50, pages 329, 447, 1535, 1571.

## McCARN, HERSHELL—

For the relief of. H. 541, pages 1283, 1321, 1613, 1637.

## MACON COUNTY—

Amend Section 4 as amended by a Local Act approved September 12, 1939. H. 221, pages 275, 581, 625, 708.

Prescribe salary and payment of chief deputy sheriff of said county. H. 80, pages 910, 952, 1083, 1108.

Authorize Board of Revenue to provide for additional Deputy Sheriff. H. 681, pages 911, 952, 1083, 1108.

## MADISON COUNTY—

Amend act prohibiting furnishing of auto to county commissioners or other bodies for use in duties. H. 616, pages 719, 784, 896, 955.



**MALT OR BREWED BEVERAGES—**

To require one-fourth cent tax on each 12 fluid ounces, or fractional part thereof, in counties of 400,000 or more population. H. 803, pages 1385, 1414, 1472.

To require one-fourth cent tax on each 12 fluid ounces or part thereof in counties of 400,000 or more population. H. 826, pages 1382, 1438, 1487, 1505, 1535.

**MARION COUNTY—**

Regulate county court. H. 73, pages 91, 144, 179, 183.

Abolish office of Deputy Solicitor and create office of County Solicitor. H. 84, pages 96, 145, 180, 184.

**MARRIAGE APPLICATIONS, CERTIFICATES, AND LICENSES—**

Provide for correction of same. H. 198, pages 600, 951, 1345, 1389.

**MARSHALL COUNTY—**

To regulate Fine and Forfeiture fund of. H. 720, pages 1005, 1047, 1206, 1245.

**MILITARY SERVICE—**

To permit persons in same to hunt, etc., without license. H. 232, page 1333.

**MINIMUM PROGRAM FUND—**

Repealing an act approved September 21, 1939, transferring surplus in General Fund to credit of. H. 4, page 222, 298, 347, 362.

**MOBILE COUNTY—**

Additional duties of Registrar of Circuit Court and extra salary. H. 91, pages 95, 335, 390, 402.

Relieve Tax Assessor of duty of preparing book of Assessments, to alphabetize original assessment list and make permanent record. H. 92, pages 87, 143, 178, 184.

Authorize sheriff to appoint attorney for advice and counsel. H. 94, pages 88, 475, 563, 573.

To amend Section 3 of act concerning sheriff of Mobile County. H. 105, pages 93, 475, 563, 574.

Amending Section 2 of an act approved August 15, 1935, to regulate the salary of Tax Collector. H. 586, pages 723, 783, 894, 954.

**MONTGOMERY COUNTY—**

To repeal an act approved September 5, 1939, to require a pension or retiring allowances for teachers in said county public schools. H. 543, pages 513, 548, 622, 695.

Fix salary of sheriff of said county and provide for his assistant. H. 589, pages 655, 692, 794, 836.

Relief of Mrs. Elsie M. Bunson. H. 590, pages 654, 693, 794, 836.

Fix salary of Tax Assessor, provide for clerical help, compensation, etc. H. 657, pages 748, 784, 894, 956.

To authorize the Board of Revenue of the County to act as a depository for bonds. H. 689, pages 840, 906, 1082, 1109.

Relating to salaries of officers of the Juvenile and Domestic Relations Court of. H. 738, pages 940, 1047, 1149, 1238.

To impose excise tax on Petroleum products. H. 750, pages 1010, 1049, 1143, 1245.

To provide for the appointment of a deputy clerk of the circuit court of. H. 789, pages 1219, 1280, 1356, 1392.

**MONTGOMERY COUNTY—Continued**

To provide for the appointment of a deputy register of the circuit court of.  
H. 790, pages 1220, 1280, 1356, 1392.

To authorize and require Board of Revenue to provide a retiring fund for  
employees of said county. H. 801, pages 1221, 1280, 1353, 1393.

**MORGAN COUNTY—**

Appropriation for water supply for tuberculosis sanitorium. H. 229, pages  
171, 186, 282, 291.

Expenditure of funds arising from placing Judge of Probate on salary  
basis. H. 345, pages 265, 368, 1450, 1467.

Judge of Probate payments and duties. H. 346, pages 266, 368, 431, 456.

Act amending Sections 2, 3, and 5 of act approved September 15, 1939,  
fixing compensation of Tax Collector for. H. 347, pages 369, 269,  
431, 456.

Pertaining to fees that the Judge of Probate shall not collect. H. 348,  
pages 271, 369, 430, 456.

Amend Sections 2, 3, and 5 of an act approved September 14, 1939, re-  
lating to compensation or salary to be paid Tax Assessor. H. 349,  
pages 273, 369, 430, 457.

Relief of Ed Taylor. H. 385, pages 382, 411, 497, 504.

Board of Revenue and Control created by Section 13, act approved March  
9, 1939. H. 387, pages 384, 410, 497, 505.

Require Board of Education to pay McCutcheon, Heims, Russell, Osborn,  
Baker, Russell, Jennings, Knighten, Brooks, Yancey, Prince, Haynes,  
Turner, and Fielder for work for the county by them. H. 581, pages  
570, 1198, 1247, 1537, 1572.

To provide for a trial tax in cases, in county court of. H. 752, pages 1100,  
1195, 1249, 1277.

To provide sufficient deputy sheriffs. H. 753, pages 1099, 1194, 1242, 1277.

To amend Section 11 of act No. 129 approved 1939. H. 754, pages 1098,  
1195, 1250, 1277.

**MOTOR VEHICLES—**

To provide for testing stations and to fix the amounts of fees for each  
test. H. 290, pages 1447, 1502, 1628, 1647.

Fines paid for violation of Alabama Highway Code in all counties having  
a population of 300,000 or more. H. 441, pages 538, 609, 791, 835.

Authorizing State Department of Revenue to issue or use stamps for.  
H. 728, pages 1436, 1464, 1629, 1648.

**MUNICIPALITIES—**

To contract with water works board. H. 357, pages 1402, 1439, 1629, 1680.

**NOTARIES PUBLIC—**

Appointment by Governor for state at large. H. 43, page 152.

**PEEPING TOMS—**

To provide that any male person who peeps into rooms is guilty of a  
misdemeanor. H. 260, pages 1139, 1388, 1613, 1637.

**PICKENS COUNTY—**

Relief of Mrs. Jewell Hall and minor sons for death of husband in em-  
ploy of county (\$500.00). H. 775, pages 1097, 1194, 1250, 1277.

**PIKE COUNTY—**

Amending an act to provide additional duties on members of Court of  
County Commissioners. H. 777, pages 1101, 1193, 1241, 1278.

**POLICE—**

Cities unlimited Police Power through adoption of ordinance having application in corporate limits. H. 731, pages 1026, 1197, 1254, 1275.

**POLICE DEPARTMENT—**

To provide for appeals from decisions of Civil Service Boards which govern same. H. 785, pages 1284, 1318, 1455, 1495.

**POLICEMEN'S AND FIREMEN'S RETIREMENT FUND—**

To establish in cities with population of 35,000 and less than 75,000. H. 786, pages 1285, 1319, 1456, 1495.

**POLL TAX EXEMPTION—**

Constitutional amendment for those in military service to be exempt from. H. 1, pages 229, 778, 1205, 1232, 1239.

**POWER OF CONDEMNATION—**

Conferred upon cities of 200,000 or more population. H. 730, pages 1026, 1196, 1251, 1275.

**POWERS OF ATTORNEY—**

To persons in military service who go out of, or are without the country. H. 67, page 133.

**PROBATE CLERKS—**

To provide for employment and the salary of, in counties having two courthouses. H. 456, page 1363.

**PROBATION OFFICERS—**

Relating to salaries of Probation Officers in Montgomery County. H. 738, pages 940, 1047, 1149, 1238.

**PROPERTY FOR HIRE—**

Regulation of fares, charges, etc., by Public Service Commission. H. 41, pages 1300, 1388.

**PUBLIC SAFETY—**

Authorize director to employ civilian guards for high wages, etc. H. 434, pages 737, 773, 888, 954.

**PUBLIC SERVICE COMMISSION—**

Time limit for recovery of rates, fares and charges, subject to regulation by Public Service Commission for transportation of persons or property for hire. H. 41, pages 1300, 1388.

**PUBLIC WELFARE, STATE DEPARTMENT OF—**

To receive for Public Welfare purposes are money drawn against Alabama Relief Administration not claimed within 6 months after passage of this act. H. 125, pages 75, 99, 446, 565, 574.

**PURCHASING AGENCY—**

To create a Purchasing Agency for Cherokee County. H. 671, page 846.

**REAL ESTATE—**

Remove cloud from title to real estate erroneously sold for taxes. H. 482, pages 611, 1214, 1550, 1569, 1591.

**REGISTRATION—**

To provide for registration as electors persons in military service. H. 691, pages 936, 1319.

**RETAIL DEALERS—**

Require manufacturers to make records of sales. H. 322, page 736.

**REVENUE—**

Further provide for Revenue of State. H. 237, pages 429, 475, 524, 567, 568.

**REVENUE, GENERAL—**

To further provide for. H. 422, pages 1147, 1260.

**RUSSELL COUNTY—**

To fix time of holding Circuit Court. H. 119, pages 109, 236, 389, 403.

Appointment of deputies, method of appointment, and method of payment for tax collector and assessor. H. 120, pages 114, 160, 193, 201.

Removal of records from Seale, Alabama, to Phenix City. H. 122, pages 113, 159, 191, 202.

Establish branch courthouse at Phenix City. H. 123, pages 110, 159, 192, 202.

Judge of Probate to appoint a Chief Clerk, fix salary and method of payment. H. 378, pages 338, 367, 434, 457.

Appointment of Deputy Circuit Clerk of Circuit Court, to provide for payment and method of payment and place him under a bond of \$5,000.00. H. 379, pages 339, 368, 433, 457.

Fix salary of Deputy Solicitor. H. 380, pages 341, 368, 432, 457.

Amend Section 15, of an act approved February 1, 1937, to create a County Court for Russell County. H. 381, pages 342, 432, 457.

Sheriff appoint General Deputy and fix payment, method of payment, and place him under \$1,000.00 bond. H. 382, pages 343, 367, 433, 457.

Require County Commissioner to pay \$12,000.00 out of General Fund to Fine and Forfeiture at not less than \$1,000.00 per year. H. 701, pages 912, 952, 1084, 1110.

**SAVINGS AND LOANS—**

Depositing security with State Treasury. H. 146, pages 411, 7744, 1545, 1571.

**SCHOOL FIRES—**

Prevention of. H. 270, pages 353, 1044, 1153, 1200, 1236.

**SECRETARY OF THE SENATE—**

To provide additional clerical assistants for the Secretary of the Senate. H. 824, pages 1322, 1387, 1486, 1514.

**SHELBY COUNTY—**

To establish the boundary line between Shelby County and Jefferson County. H. 773, pages 1128, 1194, 1248, 1277.

**SHERIFF—**

Payment for evidence and conviction of a thief of cows, horses, animals of cow kind. H. 190, pages 436, 1388, 1575, 1591.

To provide fees for attending non-jury courts. H. 420, pages 1441, 1564, 1654, 1681.

To provide fees and mileage for taking into custody persons of unsound mind. H. 421, pages 1441, 1564, 1655, 1681.

Requiring sheriffs to fingerprint each person coming under his custody. H. 690, pages 1308, 1387, 1510, 1534.

To authorize inspection of all public school buildings for Fire Inspection. H. 747, pages 1090, 1195, 1251, 1276, 1317.

**SMITH, J. LEE—**

For the relief of. H. 743, pages 1020, 1048, 1157, 1238.

**SOUTHERN INDUSTRIAL INSTITUTE—**

To make appropriation for the support and maintenance of the Southern Industrial Institute. H. 128, pages 356, 445, 529, 574.

**ST. CLAIR COUNTY—**

Judge of Probate required to pay clerk \$1,800.00 per annum. H. 837, pages 1426, 1465, 1535, 1574.

To allow an additional deputy sheriff. H. 843, pages 1479, 1528, 1607, 1624.

**STATE DEFENSE COUNCIL—**

Creation of. H. 85, pages 126, 235, 420, 423, 462, 466, 599.

**STATE DEPARTMENT OF REVENUE—**

To adopt and promulgate rules and regulations for the issuance of stamps in lieu of Motor Vehicles. H. 728, pages 1436, 1464, 1629, 1648.

**STATE EMPLOYEES—**

Committee to study retirement plan for same. H. 389, pages 600, 692, 890, 954, 1421.

**STATE EXAMINER—**

Providing for auditing of accounts of city boards of education by. H. 285, pages 356, 409, 499, 568.

**STATE MARKETS BOARD—**

Create. H. 30, pages 146, 238, 318, 331, 332.

**STATE PLANNING BOARD—**

Creation, provision, duties, director appointment. H. 62, pages 109, 446, 886, 935, 953.

**STEEL TRAPS—**

To regulate the use of steel traps in Bibb County. H. 742, pages 1225, 1280, 1454, 1495.

**SUB-AGRICULTURAL EXPERIMENT STATION—**

To make provisions for the creation and maintenance of. H. 611, pages 1104, 1267, 1298, 1340, 1370, 1390.

**SUPERINTENDENT OF EDUCATION—**

Superintendent of Education elected by popular vote to take office July first after election. H. 311, pages 352, 409, 1460, 1470, 1634, 1642, 1680.

**SUPREME COURT—**

To regulate the office of clerk of said court. H. 812, pages 1283, 1321, 1512, 1523, 1534.

**TALLADEGA COUNTY—**

Alter and enlarge limits of Sylacauga. H. 585, pages 657, 692, 793, 836.

**TALLAPOOSA COUNTY—**

Amending acts 1 and 2 approved September 9, 1935, and Sections 1 and 2 approved July 7, 1931 concerning sheriff and deputy sheriff. H. 161, pages 165, 188, 281, 291.

**TAX ASSESSOR—**

For the purpose of assessing Motor Vehicles for ad valorem taxation and to provide for additional space and assistance and clerks. H. 474, pages 869, 949, 1351, 1389.

**TAX COLLECTOR—**

For the purpose of collecting ad valorem taxes on motor vehicles, to provide for additional space and assistants and clerks. H. 474, pages 869, 949, 1351, 1389.

**TAXATION—**

To provide for the acceptance, collections, etc., or allowances from the United States in lieu of Ad Valorem taxes. H. 473, pages 1103, 1259.

**TREASURERS—**

Provide for deputy county treasurer in all counties having population of not less than 125,000 and not more than 300,000. H. 629, pages 719, 1049, 1450, 1467.

**TRIALS—**

Require a demand within a certain time in bastardy prosecutions, selections, etc., of jurors and witnesses in counties having a population of 300,000 or more. H. 330, page 747.

**TUBERCULAR SANITORIUM—**

To establish Tubercular Sanitorium in Walker County. H. 648, pages 854, 1197, 1453, 1467.

**TUSKEGEE INSTITUTE—**

Amend Section 6 of an act to amend an act to incorporate Tuskegee Normal and Industrial Institute for colored teachers. H. 2, pages 738, 785, 948, 1206, 1235.

Appropriation. H. 72, pages 738, 786, 948, 1550, 1571.

**UNIVERSITY OF ALABAMA—**

Encourage, develop and maintain research work and further develop University of Alabama extension program. H. 328, pages 412, 578, 660, 708.

To appropriate \$100,000.00 to . H. 712, pages 1266, 1279, 1338, 1391, 1555, 1593.

**VETERANS—**

Code 1940, Section 852, Title 51, exemptions for disabled veterans. H. 28, pages 133, 1217, 1660, 1679.

**VITAL STATISTICS—**

Filing and recording of certified copy of decree in office of. H. 113, pages 437, 474, 592, 606.

**VOTING MACHINE—**

To appropriate \$65,000.00 to provide voting machine for the House of Representatives. H. 813, pages 1428, 1465, 1627, 1645, 1648.

**WALKER COUNTY—**

To establish tubercular sanitarium. H. 648, pages 854, 1197, 1453, 1467.

To fix the salary of the County Superintendent of Education of. H. 703, pages 941, 1046, 1242, 1274.

To empower the Legislature to fix fees, allowances, etc., of Tax Assessor, Tax Collector, Probate Judge, Circuit Clerk, Sheriff, and Register of Circuit Judge, of. H. 757, pages 1202, 1574, 1593.

Authorizing the sheriff to appoint two deputies. H. 778, pages 1128, 1194, 1243, 1278.

**WAR EMERGENCY COUNCIL—**

Creation and fixing of powers, duties, authority. H. 66, pages 219, 461, 772, 829, 876, 935, 953, 1267.

**WAR SERVICE—**

Providing for removal and appointment of Fiduciaries. H. 70, pages 133, 772, 1546, 1568, 1590.

**WASHINGTON COUNTY—**

Require County Board of Education to pay expenses of county superintendent, school census, from school funds. H. 483, pages 452, 712, 795, 835.

Election of County Commissioners. H. 484, pages 451, 712, 795, 835.

**WATER WORKS BOARD—**

To authorize incorporated municipalities and water works boards to contract with each other. H. 357, pages 1402, 1439, 1629, 1680.

To confer additional powers on. H. 621, pages 994, 1218, 1293, 1332.

**WESTERN RAILWAY—**

For the relief of. H. 576, pages 1137, 1200, 1259, 1663.

**WINSTON COUNTY—**

To amend Section I of an act approved July 21, 1927, to allow sheriff of Winston County an additional deputy sheriff. H. 383, page 372.

Withdrawing and taking away from court of county commissioner jurisdiction over public roads and bridges, and public road and bridge funds, to create and establish a Highway Board of said county. H. 758, page 1008.

**WITNESSES—**

To secure attendance of witnesses from within or without a state in criminal proceedings. H. 215, page 534.

**MISCELLANEOUS****ALABAMA COLLEGE—**

Appointment and confirmation of Board of Trustees, page 77.

**ALABAMA INSANE HOSPITAL—**

Appointment and confirmation of trustees of, page 78.

**BOARD OF APPEALS, DEPARTMENT OF INDUSTRIAL RELATIONS—**

Appointment and confirmation of members, page 79.

**CERTIFICATE OF ELECTION—**

Of Silas D. Cater and John L. Sherrer, page 4.

**COMMITTEES, SENATE—**

Designated to name clerks, page 7.

Committee appointments of Senators Sherrer and Cater, page 6.

**GOVERNOR'S MESSAGE—**

Notifying senate of designation of Senators Roberts and Russell, page 4.  
Relative to budget prepared by Interim Common Income and Taxation, page 56.

Appointment and confirmation of Honorable Thomas E. Kilby as member of State Personnel Board, page 76.

Appointment and confirmation of Board of Trustees, Alabama College, page 77.

Appointment and confirmation of Trustees of Alabama Insane Hospitals, page 78.

Appointment and confirmation of members of Board of Appeals for Department of Industrial Relations, page 79.

**HILL, WILEY C., JR.—**

Appointment of and nominated Judge of County Juvenile Court, page 58.

**HOUSE MESSAGE—**

Notifying Senate of organization, page 6.

**INTERIM COMMITTEE REPORTS—**

Filed with Secretary of Senate, page 23.

**JOINT SESSION—**

To hear message of Honorable Chauncey Sparks, page 8.

**JUDGE OF JUVENILE COURT—**

Judge Wiley C. Hill, Jr. nominated and appointed, page 58.

**KILBY, HONORABLE THOMAS E.—**

Appointed member of State Personnel Board, page 76.

**NOTICE—**

To suspend Rule 24, page 58.

**NOTICE (RULES)—**

Postponed notice to suspend Rule 24, page 69.

**OATH OF OFFICE—**

Silas D. Cater, John L. Sherrer.

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**SENATE RESOLUTIONS—****Adjournment**

Adjourn to meet Tuesday, May 25, 1943. S. J. R. 22, pages 345, 357.

Adjourn both Houses until May 11. S. J. R. 6, pages 82, 100.

House and Senate until May 18, 1943. S. J. R. 15, pages 189, 190.

To meet Tuesday June 1. at 10 A. M. S. J. R. 32, pages 475, 479.

To meet Monday May 31, at 10 A. M. 1943. S. J. R. 32, pages 475, 479.

32nd day, June 4, 1943. S. J. R. 43, pages 627, 629.

39th day, June 11, 1943. S. J. R. 52, pages 765, 828.

Appointing committee to notify Governor Legislature ready to adjourn sine die. S. J. R. 89, page 1675.

**Bradford-Cole Bill—**

Naming of S. 51. S. J. R. 13 pages 170, 189, 697, 786, 1179.

**Challiaux, Homer—**

Asked to address (June 10, 1943) legislature and Boys State. S.J.R. 37, pages 530, 593, 698, 1179.

**Coburn-Bradford Bill—**

Naming of House Bill 21. S. J. R. 12, pages 170, 189, 697, 1179.

**Committees—**

Hours and places of meeting. S. R. 16, page 220.

Of House and Senate to collect data from judges and clerks concerning service and cost to the state. S. R. 34, page 476.

From both houses to make plan for day and night shift (Walton). S. J. R. 50, page 755.

**Committee of Whole—**

Of senate to consider House Bills 26 and 45, Shaver Chairman. S. R. 25, page 419.

**Compensation—**

Clerks and pages, and messengers. S. R. 60, pages 1105.

**Conference Committee—**

Senate 105. S. J. R. 41, pages 586, 598.



## SENATE RESOLUTIONS—Continued

## Conservation Department—

Investigate same by committee from both houses. S. J. R. 69, page 1313.

## Crime Commission—

Authorizing appointment and duties of same. S. J. R. 57, page 915.

## Establishment of Jewish Homeland—

Notify President of the United States and other authorities. S. J. R. 4, pages 43, 101, 697, 1178.

## Federation of the World—

Providing for a Declaration of the Federation of the World. S. J. R. 19, pages 311, 313, 550, 593, 605, 643, 1175.

## Finance and Taxation—

Increase one member. S. R. 18, pages 279, 321.

## Forestry and Conservation—

Additional member in committee. S. R. 3, pages 54, 55.

## Garrett, Givhan, and Green—

Co-Authors of State Markets Board Bill. S. J. R. 23, page 345.

## Garrett, Honorable W. W.—

With reference to expressing sympathy for wife's father's death. S. R., Page 1490.

## Hodo-Madison Bill—

House Bill 45 named. S. J. R. 30, pages 455, 599, 698, 1179.

## House Bill No. 1—

Naming same, Gwin-Walton-Madison-Henderson-Benson-Taylor-Sullivan. S. J. R. 65, pages 1239, 1418, 1425, 1686.

## House Bill No. 66—

Naming, Bentley-Smyer Act. S. J. R. 66, pages 1267, 1418, 1425, 1687.

## House Bill No. 714—

Naming same, White-Henderson-High-Carlton Act. S. J. R. 76, pages 1472, 1549.

## Joint Session—

For message of Honorable Chauncey Sparks. S. J. R. 2, page 6.

## Madison-Morgan Bill—

Senate Bill 21 named. S. J. R. 36, pages 530, 599, 698, 1179.

## Madison-Sullivan Resolution—

Senate Joint Resolution 19. S. J. R. 45, pages 643, 718, 768, 1181.

## Peace Treaties—

Pertaining to ratification of peace treaties. S. J. R. 5, pages 55, 56, 101, 697, 735, 766, 768, 1178, 1181.

## Pensions—

To Confederate Soldiers and widows called Pinson-Gullatt Bill. S. J. R. 17, pages 279, 697, 1179.

## Pinson-Gullatt Bill—

Relative to Confederate Soldiers and widows pensions. S. J. R. 17, pages 279, 317, 697, 1179.

## Poll Tax—

Relative to bill regarding same in Congress. S. J. R. 42, pages 586, 598, 618, 1180.

## Rules Committees—

Appointment of a new member to replace Preston Clayton. S. R. 11, page 148.

## Secretary of Senate—

To provide copies of wills not later than next day after first reading. S. R. 7, page 82.

Have loud speaker in Senate. S. R. 10, page 148.

## SENATE RESOLUTIONS—Continued

## Senate—

Notify House of organization of. S. R. 1, page 6.

## Senate Bills—

Given priority on 40th Legislature day. S. J. R. 47, page 699.

## Senate Bill No. 60—

Request for report from committee. S. R. 62, pages 1228, 1231.

## Senate Bill No. 193—

Request report from committee. S. R. 63, pages 1229, 1231.

## Senate Bill No. 274—

Naming High Act. S. J. R. 87, pages 1625, 1642.

## Senate Bill No. 341—

Naming Bradford Act. S. J. R. 68, page 1288.

## Senate Bill No. 401—

Naming Cater-Sightler Bill. S. J. R. 79, pages 1513, 1598, 1640, 1696.

## Senate Joint Resolution No. 19—

Naming same, Madison-Sullivan Resolution. S. J. R. 45, pages 643, 718, 768, 1181.

## Senate, Meeting—

On Saturday, June 26, 1943. S. R. 70, page 1323.

## Senate Program—

Wednesday, June 9, 1943, Thursday, June 10, 1943. S. R. 48, page 701.

Procedure for week June 15-18, 1943. S. R. 56, page 915.

## Sparks, Chauncey, Governor—

Inviting him to visit Legislature. S. J. R. 77, pages 1472, 1498, 1517, 1688.

## Special Order—

Senate Bill 163 and 164 placed special and containing orders for the 18th Legislative day. S. R. 20, page 313.

House Bills 47, 4, 5, 6, 127, Senate Bills 142, 163, 164, and 105 be made special for 18th Legislative day. S. R. 21, page 314.

House Bills 25, 16, 45, and 85; Senate Bill 203, S. R. 24, pages 386, 387.

## Special Paramount Continuing Order—

House Bill 25 on 24th day. S. R. 27, page 421.

## Special Order—

Senate Bills 123 and 125 for 24th day. S. R. 28, page 421.

Senate Bills 156, 123, 125, 137, and 145. S. R. 31, page 455.

House Bills 186, 170, 168, 185, 169, 128, 79, and Senate Bills 22, 255, 174, 64, 66, and 219 for 26th day. S. R. 35, pages 477, 500.

## Special Orders, Local Bills—

Senate 37, 41, 42, 44, 39, 213, 87, 206, 151, 181, 192, 166, 95, 149, 89 and House 57, and 125. S. R. 39, page 531.

## Special Paramount Continuing Order—

32nd day, June 4, 1943. S. R. 44, page 627.

## Special Order—

Consider only Senate Bills 37th day, June 9, 1943. S. R. 49, pages 701, 725.

39th day procedure. S. R. 51, page 765.

For Tuesday, June 15, House Bills 66, 62, 87, 434, 115, 269, 406, 389, 63, 329. S. R. 53, page 765.

S. R. 54, page 827.

Local bills then Senate Bills as they appear on the calendar. S. R. 55, pages 897.

Procedure for 46th day, June 18, 1943. S. R. 58, page 1036.

Call of Senate Bills procedures for 49th day. S. R. 61, page 1158.

## SENATE RESOLUTIONS—Continued

- Procedure for 51st day, June 23, 1943. S. R. 64, page 1229.  
52nd day, June 24, 1943, House Bills 538, 539, 723, 724, 714. S. R. 67, page 1288.  
Procedure 56th day, June 28, 1943. S. R. 71, page 1379.  
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56th day, June 28, 1943, House Bill 735. S. R. 72, page 1388.  
Special Orders—  
57th day, June 29, 1943. S. R. 73, page 1440.  
58th day, June 30, 1943. S. R. 74, page 1470.  
58th day, June 30, 1943. S. R. 82, page 1524.  
59th day, July 1, 1943. S. R. 83, page 1531.  
House Bill 536, 59th day, July 1, 1943. S. R. 84, page 1566.  
60th day, July 2, 1943. S. R. 84, page 1598.  
60th day, July 2, 1943. S. R. 86, page 1600.  
60th day, July 2, 1943. S. R. 88, page 1641.  
Spelling Bee—  
Held on last day. S. J. R. 81, page 1517.  
Standing Committees—  
Regarding reports of same for remainder of session. S. R. 75, page 1417.  
Steagall, Henry B. —  
Asked to address joint session at his convenience. S. J. R. 40, pages 531, 550, 618, 698, 1180.  
Sullivan Bill—  
Establishment of State Defense Council. S. J. R. 26, pages 420, 599, 698, 1179.  
Supreme Court—  
Asked for opinion on question of amending a section of a title. S. J. R. 8, page 118.  
Opinion requested on House Bill 66. S. R. 38, page 531.  
Supreme Court Opinion—  
Senate Bill 330. S. R. 46, page 643.  
Temperance Committee—  
To be a Committee of the Whole to attend a meeting. S. J. R. 9, page 147.  
United Nations, Organization of—  
Pertaining to economic, axis-controlled nations, assistance to countries that need rehabilitation. S. J. R. 14, pages 170, 189, 200, 1171.  
War Emergency Council—  
Appropriate \$750,000.00, send House Bill 66 to Supreme Court for opinion of its constitutionality. S. R. 29, pages 454, 461.  
Method of electing members to same from Senate. S. R. 59, page 1105.  
War Production Board—  
Asked not to change Standard Car Manufacturing Company as Bessemer to aluminum plant. S. R. 33, pages 476, 500.  
Whitley, Tom—  
Commendation by Senate. S. J. R. 80, page 1513.

## HOUSE JOINT RESOLUTIONS—

- Adjournment—  
H. J. R. 61, page 1053.  
H. J. R. 76, pages 1323, 1335.  
Amendment—  
Proposing amendment to United States Constitution relative to taxes

## HOUSE JOINT RESOLUTIONS—Continued

- on incomes or inheritances and gifts. H. J. R. 66, page 1286, 1566, 1595.
- Bradford-Cole Bill—
  - House Bill 124. H. J. R. 22, pages 370, 404.
- Bradford-Gullatt-Taylor Bill—
  - Designating Senate 341 the Bradford-Gullatt-Taylor Bill. S. J. R. 69, page 1418.
- Carlton-Chichester-Eddins Bill—
  - Designating Senate 330 the Carlton-Chichester-Eddins Bill. H. J. R. 68, pages 1285, 1370.
- Carlton-Chichester-Porter (Choctaw) and High Bills—
  - Senate Bills 52, and 54. H. J. R. 11, pages 173, 956.
- Carter-Martin Bill—
  - Designating House 621 the Carter-Martin Bill. H. J. R. 73, pages 1301, 1370.
- Coal Strike—
  - Commend President for quick action, commend miners and condemn those few who did strike; amendment-resolution sent to Lewis, President and press. H. J. R. 3, 54, 87, page 22.
- College Credit—
  - To create method of giving college credit to those in army, Navy, and Marines, doing college work. H. J. R. 15, pages 22, 279, 292.
- Committee—
  - Proposing Committee to study proposals pending relative organization, operation, and sessions of Legislature. H. J. R. 74, page 1301.
- Congress—
  - Urging Congress to pass House Bill 997 and Senate Bill 216, creating Pharmacy Corps in United States Army. H. J. R. 41, page 594.
- Congressional Delegation—
  - Requesting congressional delegation to use efforts to prevent rationing eastern seaboard gasoline rationing to Alabama. H. J. R. 54, pages 771, 788, 956.
  - Creating commission to inquire into Constitutional Revision. H. J. R. 6, page 1347.
  - Creating Interim Committees. H. J. R. 81, pages 1506, 1574.
- Deceased—
  - Care of and making funeral and cemetery service essential industry, giving them priorities. H. J. R. 17, pages 231, 279, 292.
- Governor—
  - Authorize to cooperate with United States Departments and the several states in the creation of a joint Fiscal Authority. H. J. R. 87, pages 1548, 1566, 1595.
- Henderson-Edwards Bill—
  - Designating Senate 64 as the Henderson-Edwards Bill. H. J. R. 100, page 1624.
- High-Dearman Bill—
  - Designating Senate 274 as the High-Dearman Bill. H. J. R. 98, page 1625.
- Hill-Sullivan Bill—
  - Naming House Bill 87 the Hill-Sullivan Bill. H. J. R. 59, pages 986, 1239.
- Hooten-Waton Bill—
  - Naming Senate 17. H. J. R. 316, pages 316, 549, 695.

## HOUSE JOINT RESOLUTIONS—Continued

## Jewish Homeland—

Establishment. H. J. R. 4, page 50.

## Joint Session—

June 7, 2:30 P. M., Wendall Wilkie. H. J. R. 30, pages 454, 465, 466.

Asking Joint Session to hear address by Honorable Henry B. Steagall.

H. J. R. 49, page 696.

## Legislature—

Two senators and three representatives to notify governor that senate is in session. H. J. R. 2, page 7.

## Legislative Officers—

Relieving Legislative Officers of responsibility for codes, books, etc., placed on members desks. H. J. R. 96, pages 1601, 1624.

## Lewis, John L.—

Denouncing unpatriotic action of John L. Lewis. H. J. R. 46, pages 602, 634, 695.

## McCary-Bennett-Dearman-Miller-Green-Redd Bill—

Designation Senate 391 as the 'McCary-Bennett-Dearman-Miller-Green-Redd Bill.

## Madame Wei Toa Ming—

Extend invitation to speak before joint session. H. J. R. 33, pages 461, 500.

## Memorial—

Accepting memorial to Governor Jones and expressing thanks to Judge Jones. H. J. R. 45, pages 595, 695, 735, 1218.

## WEI TOA MING—

Committee to invite Madame Ming to address a joint session. H. J. R. 33, pages 561, 500, 505.

## Norman-Givhan-Henderson Bills—

Designating Senate 71, 72, 73, 74, and 127 as the Norman-Givhan-Henderson Bills. H. J. R. 102, pages 1642.

## Pinson-Gullatt Bill—

Designating Senate Bill 26 as Pinson-Gullatt Bill.

## Rubber—

Asking Congress to do everything in power to provide synthetic rubber, manpower replacement parts and materials. H. J. R. 14, page 315.

## State Comptroller and Attorney—

General directed to prepare letter of instruction on Public Welfare and Old Age Assistance. H. J. R. 83, page 1498.

## Supreme Court—

Asking opinion on certain bills. H. J. R. 10, pages 127, 455.

## Synthetic Rubber—

Congress is memorialized to do everything to provide synthetic rubber. H. J. R. 14.

## Walton-Hooten Bill—

Naming Senate 15 as Walton-Hooten Bill. H. J. R. 12, pages 316, 549, 695.

## Wilkie, Wendell—

Invitation to speak to both houses. H. J. R. 9, pages 221, 278, 292.

Joint session Monday 2:30 p.m. June 7, address by Wilkie. H. J. R. 30, pages 454, 465, 466.

## Wei Tao Ming—

Committee to invite Madame Ming to address a joint session. H. J. R. 33, pages 461, 500, 505.

